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WRITING THE CRIMINALIZED BODY:  
THE BODY IN THE CONSTRUCTION OF FEMALE SUBJECTIVITY  
IN  
ENGLISH WOMEN'S WRITINGS  
C. 1540-1640

A thesis submitted to Middlesex University  
in partial fulfilment of the requirements for the degree of  
Doctor of Philosophy

Nadia Bishai

School of Arts  
Middlesex University

August, 2005

*For my parents,*

*“Wa kheir el bir bir el waalidain”*



## ABSTRACT

This thesis argues that the criminalized body is the basis for the construction of criminalized subjectivity in English texts, c. 1540-1640, focusing particularly on four women writers and their writings: Anne Askew, Elizabeth Tudor, Lady Elizabeth Cary, and Lady Mary Wroth. In doing so, this thesis engages in two areas of early modern English studies that have not yet received critical attention: the historically specific understanding of criminalized, rather than criminal, bodies and subjectivities, as well as the engagement with women writers and their writings from the perspective of crime.

Accordingly, Part One identifies how the criminalized body was understood, its relationship to criminalized subjectivity, and the existence of a culture of criminalization in the period. Since early modern crimes were viewed as sinful, unnatural and illegal acts, the criminalized body was seen to break divine, natural and human laws, as well as being physically deformed; either because it was imagined to be so or because it was visibly deformed in some manner. This had several important consequences. Criminalized bodies were identifiable in society, resulting in a social process of criminalization that preceded, and did not necessarily involve, members of the judiciary and judicial processes. Also, criminalized bodies could be, and frequently were, located in a wide variety of contexts outside the judicial sphere, such as the political, theological, social, and literary. Together, these consequences evidence the currency of a culture of criminalization in early modern England. Most importantly, the identification of the body as the primary indicator of criminality reveals that it was the basis for the construction of criminalized subjectivity.

This model of physicality and its consequent relationship to subjectivity dictates the employment of an alternative theoretical approach to those currently used by scholars of the period. Accordingly, I have identified Toril Moi's recent revisionist exposition of Simone De Beauvoir's theoretical formulations in *The*

*Second Sex* as the most constructive way to think about these early modern criminalized bodies and subjectivities. Moi's re-interpretation of De Beauvoir's distinctions between the body *as*, and the body *in*, a situation offers a powerful tool for projects concerned with the historically specific body, as well as for those concerned with providing a non-reductive, non-essentialist account of embodied subjectivity.

In the light of this, Part Two focuses on various constructions of female subjectivity in the context of criminalization in works by four early modern English women writers. The first two case studies examine two women who were judicially criminalized, confined, and subjected to judicial interrogation: Anne Askew and Elizabeth Tudor. I attend to the centrality of their bodies to constructions of their subjectivities and the strategies both women employ to de-criminalize themselves in their writings. Alternatively, the second two case studies examine two women who were not judicially criminalized: Lady Elizabeth Cary and Lady Mary Wroth, but whose works reveal an interest in criminalized female subjectivity. I examine Cary and Wroth's explorations of how women can be criminalized in various social contexts, as well as the centrality of the body to their constructions of fictional criminalized female subjectivity.

## ACKNOWLEDGEMENTS

First and foremost, I would like to thank the School of Arts, Middlesex University, London, for awarding me a Research Studentship in 1999, which provided me with the necessary funding for my first three years as a PhD student.

I would also like to thank my Director of Studies, Dr Sarah Hutton for her immense patience both with me and my project as it (sometimes painfully) developed, for wading through its many drafts, and, most of all, for her rigorous, critical, and constructive supervision. I would also like to thank in this regard my Second Supervisor, Dr Lawrence Normand, for his instructive input and suggestions, particularly in relation to my final draft. I would also like to take this opportunity to thank three other academics who have given generously of their time, expertise, and encouragement over the past few years: Drs Sue Wiseman, Sonia Massai and Luc Racaut. I would also like to thank here Anna Pavlakos at Middlesex University for patiently dealing with all of my queries and for her helpful suggestions, as well as the staff in the Rare Books and Music reading room at the British Library who were extremely helpful and made working there a pleasurable experience.

Researching and writing a PhD thesis is, in many ways, a solitary business. I cannot, therefore, thank the people around me enough who have ensured that this was not the case. I would like to thank Drs Polina Macay and Harriet Knight for innumerable coffee breaks at the British Library, particularly the winter ones. I also want to say a heart-felt thank you, in no particular order, to Ildi Solti, Maggie Wilkinson and Dr Derya Guerses for their consistently unselfish and invaluable support and friendship in things both academic and personal.

Over the past few years, I have also incurred an immeasurable debt to my family. I want to thank my parents, Valerie and Wadie Bishai, for their unconditional love, unstinting financial support, and their unwavering belief in my ability to finish this thesis. I also want to thank my brothers, Samy and Nabil, for always finding the time to listen to me and my theories, for providing impeccable IT support, and, for occasionally providing me with a much-needed reality check. Last, but by no means least, I would like to thank my partner, Nick Stevens, for being there for me in a hundred and one ways, for his infectious *joie de vivre*, for introducing me to the delights of cruciverbalism, but, most of all, for bringing the Greek gods and their passions alive for me.

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## ABBREVIATIONS

- AV* *The Authorised King James Bible with Apocrypha*, Oxford World Classics (Oxford: Oxford University Press, 1997; reissued, 1998)
- S3* *The Statutes of the Realm. Printed by command of His Majesty King George the Third. in Pursuance of an address of the House of Commons of Great Britain. From Original Records and Authentic Manuscripts*, ed. by T. E. Tomlins and others, 12 vols (1810-28), III (1817)
- S4A* *The Statutes of the Realm. Printed by command of His Majesty King George the Third. in Pursuance of an address of the House of Commons of Great Britain. From Original Records and Authentic Manuscripts*, ed. by T. E. Tomlins and others, 12 vols (1810-28), IV, Part 1 (1819)
- OED* *The Oxford English Dictionary*

#### A NOTE ON SPELLING AND CITATION

When citing primary source material, I have retained the original spelling. In cases where abbreviations are employed indicated by a tilde above a letter that are not obtainable on a modern keyboard, I have indicated this by supplying the missing letter in square brackets. For example, I cite the word “common” as “com[m]ō”, since the “ō” is available whereas the tilde over the “m” is not. Only particularly obscure spellings are followed by “[*sic*]”. Where primary source material employs a symbol for “and” that is unavailable on a modern keyboard, I have silently emended it to “&”. In quotations taken from primary source material, unless otherwise indicated, italicised words are either italicised in the original or indicate that a different typeface (e.g. Roman or Gothic) is employed in the primary source.

Where possible, I have provided both page or folio numbers and signatures. In cases where signatures are not provided in the source text, I indicate them in the following manner. The first unmarked page after “sig. A4”, for example, is given as “sig. A5”, the second unmarked page as “sig. A6”, and so on. I have used the same system in my citation of texts where only folio numbers are provided. In cases where there are obvious printing errors in the pagination, I cite the page number as it is in the source text, followed by its correction in square brackets, e.g. “fol. 196 [*sic*, i.e. fol. 198]”.

Owing to the considerable length of some of the titles of the primary source material, I employ an abbreviated form of the title in the footnotes. The complete titles of such works are cited in full in the Bibliography. In citing primary sources in the footnotes and bibliography, I have retained the original spelling and punctuation, while silently regularising the fonts and limiting the use of capital letters to the first letter of the word. In citing secondary material in the footnotes and bibliography, I have followed the MHRA guidelines.



## INTRODUCTION

The Jacobean body [...] exists in a world whose most subtle inner organization [sic] is so different from that of our own not least because of the part played by this body in it.<sup>1</sup>

In his study, *The Tremulous Private Body*, Francis Barker alerts us to the historicity of the early modern English body. Commenting on the considerable corporeal violence in Jacobean drama, Barker argues that this reveals 'a corporeality which is quite other than our own' and which is 'systemic rather than personal'.<sup>2</sup> This alternative corporeal system, continues Barker, is evidenced by the 'proliferation' of 'corporeal images' in a wide variety of texts: 'the dramatic, [the] philosophical and [the] political'.<sup>3</sup> These images, however, are neither convenient nor conventional 'metaphors'; they 'are the indices of a social order in which the body has a central and irreducible place'.<sup>4</sup> Thus, for Barker, the dramatic Jacobean images of violent and violated bodies 'articulate a mode of corporeality which is structural to its world'.<sup>5</sup>

Barker's assessment of the historically specific early modern English understanding of the body is, I believe, both correct and crucial. As various recent studies show, much can be learnt from attending to the non-Cartesian ways in which the body is understood in the period.<sup>6</sup> I do not believe, however,

---

<sup>1</sup> Francis Barker, *The Tremulous Private Body: Essays on Subjection* (Ann Arbor: The University of Michigan Press, 1995; repr. 2000), p. 22.

<sup>2</sup> Ibid., p. 19.

<sup>3</sup> Ibid., p. 20.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> For studies that examine such models of physicality, see, for example, Lyndal Roper, *Oedipus and the Devil: Witchcraft, Sexuality and Religion in Early Modern Europe* (London and New York: Routledge, 1994; repr. 1995); Margaret Healy, *Fictions of Disease in Early Modern England: Bodies, Plagues and Politics* (Basingstoke, Hampshire and New York: Palgrave, 2001); David Hillman and Carla Mazzio, eds, *The Body in Parts: Fantasies of Corporeality in Early Modern Europe* (New York and London: Routledge, 1997); Jonathan Sawday, *The Body Emblazoned: Dissection and the Human Body in Renaissance Culture* (London and New York: Routledge, 1996); Thomas Laqueur, *Making Sex: Body and Gender from the Greeks to Freud* (Cambridge, Massachusetts, and London, England: Harvard University Press, 1992); Michael C. Schoenfeldt, *Bodies and Selves in Early Modern England: Physiology and Inwardness in Spenser, Shakespeare, Herbert and Milton*, Cambridge Studies in Renaissance Literature and Culture, ed. by Stephen Orgel, vol. 34 (Cambridge: Cambridge University Press, 1999); Lucy Gent and Nigel Llewellyn, eds, *Renaissance Bodies: The Human Figure in English Culture c. 1540-1660*, Critical Views (London: Reaktion Books, 1990); Darryll Grantley and Nina Taunton,

as Barker does, that such physical alterity results in the lack of any kind of subjectivity in the period.<sup>7</sup> If we accept that the body is understood differently and occupies a different structural position in early modern English thought and experience, then it is not unreasonable to suggest that subjectivity is also understood differently. Furthermore, it is not unreasonable to suggest that a different understanding of the body results in, or even necessitates, a different relationship between the body and subjectivity. Such an alternative relationship would necessarily be contingent and historically specific. And, if such an alternative relationship exists, then it is probably expressed within a specific linguistic register and discursive framework that we need to identify. It is even possible that we might need to employ an alternative theoretical model to those currently used to engage with such a different early modern relationship between body and subjectivity.

This thesis sets out to explore one apparent manifestation of such a historically different early modern understanding of the body: the body of the criminal, or, what I have termed, the criminalized body. This thesis also attempts to explore how such a different understanding of the body might impact on the construction of early modern criminalized female subjectivity.<sup>8</sup>

My study of these two areas is informed by two central pre-occupations that have not yet been critically examined or connected. First, I want to explore the early modern English construction of the criminalized body and its contingent relationship to criminalized subjectivity. This pre-occupation derives from the evidence of early modern texts, as well as the recent critical work on non-Cartesian models of physicality and their impact on early modern English

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eds, *The Body in Late Medieval and Early Modern Culture* (Aldershot, England: Ashgate Publishing Ltd; Burlington, USA: Ashgate Publishing Company, 2000); Liz Herbert McAvoy and Teresa Walters, eds, *Consuming Narratives: Gender and Monstrous Appetite in the Middle Ages and the Renaissance* (Cardiff: University of Wales Press, 2002).

<sup>7</sup> Barker's claim is premised on his definition of subjectivity. For Barker, the conditions for the emergence of subjectivity are tied to the emergence of the bourgeoisie and the clear division between the public and private spheres. Subjectivity comes into being when the individual voluntarily and internally imposes a split on him or herself. Indeed, for Barker, the period 'has only one modern depth [i.e. subjectivity] because only one individual inhabits it, and even he is putative [i.e. Hamlet]' (Barker, *Tremulous Private Body*, p. 24). Similarly elsewhere, Barker claims that '[p]re-bourgeois subjection does not properly involve subjectivity at all [...]' (ibid., p. 28). Understandably, then, Barker does not find the evidence for the kinds of subjectivity that he wishes to map in the early modern period before the late seventeenth-century.

<sup>8</sup> I will elaborate on my use of the term 'criminalized' below in the second part of the Introduction.

subjectivity and culture.<sup>9</sup> And, secondly, in this thesis, I want to explore the works of early modern women writers from the perspective of crime. I want to engage with early modern women writers as criminals and explore the possible impact this status has on the ways in which they construct themselves in their texts. I also want to engage with early modern women writers who were not criminals but who appear to be pre-occupied with questions of female criminality and the construction of criminalized female subjectivity in their works. This second pre-occupation grows out of the current lack of critical engagement with early modern women writers and their works in the context of crime. Indeed, this lack is particularly notable when seen against the recent developments in revisionist historical work carried out on early modern English crime and female criminals.<sup>10</sup>

Having briefly outlined the aims of this thesis, in the remainder of this introduction, I want to do two things. First, I shall briefly examine some of the main critical approaches to the early modern body and subjectivity. This examination, however, is not an exhaustive account of the scholarship in either area. Its purpose is to relate the theoretical perspective of this thesis to some of the current theoretical approaches that are most widely employed by scholars of the early modern body and subjectivity.<sup>11</sup> In the second part of this introduction, I will provide a brief exposition of the structure of this thesis and a summary of its content. I also discuss my methodology, use of terminology and choice of material in this thesis.

### ***Intro.1. Thinking about Bodies and Subjectivities in Early Modern England:***

Behind the central pre-occupations of this thesis with the criminalized body and criminalized female subjectivity lie several questions as well as several

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<sup>9</sup> See the works cited in Footnote 8, above.

<sup>10</sup> In Chapter I below, I elaborate on this point. Studies of male canonical writers in the period from the perspective of crime are also lacking in current scholarship. This area, however, represents another study altogether.

<sup>11</sup> This is not to say that the scholars to whom I refer below engage exclusively with the questions in which I am interested. Nor is this to say that the theoretical approaches that I survey below are the only ones that are adopted in studies of the early modern body and subjectivity. In the interests of brevity and coherence, however, I have selected those approaches that are most closely related to the theoretical approach that I employ in this thesis.

contingent, problematic relationships. How do we access the materiality of the early modern body and bodily experience?<sup>12</sup> How do we negotiate the inevitable gap between the materiality of the body and bodily experience and its mediation through text and language? How do we arrive at sufficiently historically-nuanced understandings of the body and bodily experience that take discursive constructions into consideration without reducing the material to the discursive or essentialising the material?<sup>13</sup> Is there such a thing as early modern subjectivity? If there is, how is it constituted and how can we talk about it? What role, if any, does the body play in the construction of early modern subjectivity? Not surprisingly perhaps, the answers to these questions are myriad, and frequently opposing. However, it is precisely because these questions and relationships are problematic that the need to engage with them persists.

In recent years, the early modern body has become a focal point of scholarly attention. It is now a critical commonplace to state that the early modern body is neither a-historical nor trans-historical; it is not a fixed universal object that exists outside history, culture and discourse. This recognition of the historically different early modern body has been partly generated by, and has been partly responsible for, an increasing critical move to investigate the historically specific perceptions and constructions of the body in the period. When speaking about early modern bodies, it is now clear we are speaking about bodies that were seen, understood and experienced in ways very different to our own. However, although critics agree upon the historical nature of the early modern body, they disagree over the wider cultural implications of the historically different body and the extent to which the body is discursively constructed. In each area of debate, among the various critical opinions advanced, one critical position is particularly prominent. Neither of these positions denies or precludes the historicity of the early modern body. But, as I

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<sup>12</sup> By 'materiality' here and below, I mean physical experiences such as sickness, death, old age, pregnancy, menstruation, disability, pain, etc.

<sup>13</sup> Gender is frequently examined in current explorations of early modern discursive constructions and discourses. Indeed, in the context of the female body and the female subjectivity, a discussion of gender is unavoidable. In this introduction, however, I have not engaged in a separate discussion of the discourses of gender, sex and sexual difference because the arguments that are made about the body and subjectivity in general are replicated in the more specific arguments about female bodies and subjectivities. In Chapter III, I deal exclusively with the question of early modern gender norms, female bodies and female subjectivities in the context of early modern crime.

hope to demonstrate, both these critical positions are problematic because they produce reductive assessments of the early modern body.

In the debate over the wider cultural implications of the historically different early modern body, the post-Cartesian position is frequently employed. This critical position views the apparent saturation of early modern cultural productions with bodily images and analogies as indicative of a pre-Enlightenment and pre-scientific inability to categorise knowledge. Implicit here is the assumption that early modern ways of thinking are intellectually deficient and lacking in sophistication because they are pre-Cartesian. To be sure, this position is now dated, but it still persists. As recently as 2001, in her important study, *Fictions of Disease*, Margaret Healy points out that she is highly sceptical of such 'post-Cartesian' attitudes towards historically different understandings of the body.<sup>14</sup> Healy rightly argues that we should not dismiss early modern views and cultural practices that we find strange as intellectually inadequate. Instead, we should attempt to reformulate our understanding of the broader cultural significance of the early modern body and explore the possibility that valid alternatives to our ways of thinking are discernible in the period.<sup>15</sup>

Similarly, in the debate over the extent to which the early modern body is constructed by discourse, an equally popular critical opinion is advanced. This is the poststructuralist view that the early modern body is entirely discursively constructed. According to this more recent approach, any textual evidence we possess about the material experiences of the early modern body does not, and cannot, articulate anything outside early modern discourses. Once again, Margaret Healy counters this position. There are, as Healy persuasively demonstrates, some physical experiences that are not constituted by discourse or solely through language. Moreover, Healy demonstrates how such physical experiences impact on and change discourses. '[B]odies', states Healy, '[...] are more than mere linguistic constructs' and, as Healy reveals, we need to engage with them as such.<sup>16</sup>

Healy's counter-arguments to the two prominent previous critical views are, I believe, both correct and necessary. On the one hand, while we must

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<sup>14</sup> Healy, *Fictions of Disease*, p. 4.

<sup>15</sup> See *ibid.*

<sup>16</sup> *Ibid.*, p. 11.

recognise the impact of our own historicity on our engagement with the early modern period, we should be wary of imposing our historical moment on the historically specific early modern period in our attempts to explain it. On the other hand, while the impact of discourse on accounts of the early modern body cannot be denied, we need to distinguish, in Lyndal Roper's terms, between 'writing about discourse about the body' and 'writing about the body'.<sup>17</sup>

Importantly for the purposes of this thesis, Healy's counter-arguments also highlight two of the main challenges in writing an account of the historically different early modern body. First, in order to make sense of the early modern material in which such a project is interested, the project must think about alternative, early modern, ways of seeing things. Secondly, such an account needs to take the importance of discursive constructions and textual representations of the early modern body into consideration without reducing the material experiences of such a body to the effects of discourse or textual convention.

In this thesis, I will attempt to fulfil both criteria. Drawing on the evidence of primary source material, I will suggest that in order to recognise the criminalized body as an example of the historically different early modern body, we need to see it in early modern terms. We need to recognise that, in early modern England, the criminalized body is seen as a body that is illegal as well as sinful and unnatural. In order to show this, I will map the discursive constructions and textual representations of criminalized bodies in the period. At the same time, I will try to uncover some of the material experiences of criminalized bodies in early modern England. This second project is intimately tied to the first one. As I will try to demonstrate, the primary material reveals that the early modern discourses pertaining to criminalization are greatly concerned with the material physical deformity of the body. Furthermore, such primary material reveals a dynamic between discourses and the materiality of the deformed body in which discourses cannot always conclusively explain such physicality. Moreover, as I will attempt to show, it is the material nature of the criminalized body that is the basis for the construction of criminalized subjectivity.

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<sup>17</sup> Roper, *Oedipus and the Devil*, p. 7.

In doing so, I will also attempt to demonstrate in this thesis that we need to think about alternative early modern ways of seeing subjectivity and to recognise the importance of discourse to subjectivity without reducing constructions of subjectivity to discursive effects and textual conventions. Like the early modern body, early modern subjectivity has been a focal point of scholarly investigation. And, while critics agree upon the historical specificity of early modern subjects, there is considerable disagreement over their subjectivity. The various critical positions regarding early modern subjectivity range from assertions of its non-existence, to acknowledgements of its limited existence and specificity, to arguments for its demonstrable existence and agency.

As we have already seen, critics like Barker believe that it is impossible to talk about early modern subjectivity because it is non-existent. For Barker, an excavation of early modern subjectivity ultimately reveals a construct of layers, the centre of which is hollow. Critics like Stephen Greenblatt offer a more cautious assessment. In his groundbreaking study, *Renaissance Self-Fashioning*, Greenblatt concludes that while there is evidence of early modern subjectivity, there is no evidence of individual will.<sup>18</sup> Early modern selves are indeed fashioned by individuals and those around them, but the process of fashioning is governed by the choices available to them in early modern discourses. Early modern selves do not and cannot talk for themselves.

Alternatively, critics like Megan Matchinske reject both previous positions. According to her analysis in *Writing, Gender and State*, early modern subjectivity is neither non-existent nor is it totally constructed by discourse.<sup>19</sup> Early modern discourses do, acknowledges Matchinske, impact on early modern subjectivity. However, Matchinske argues, the effects of the materiality of the early modern subject's situation and life must also be taken into consideration. The 'material specificity' of the subject, or the materiality of the subject's situation and life and the subject's experience of them, necessarily result in different forms of negotiation.<sup>20</sup> These negotiations leave legible traces, evidencing individual will and choice; or, early modern subjectivity. Just because

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<sup>18</sup> Stephen Greenblatt, *Renaissance Self-Fashioning: From More to Shakespeare* (Chicago and London: The University of Chicago Press, 1984).

<sup>19</sup> Megan Matchinske, *Writing, Gender and State in Early Modern England: Identity Formation and the Female Subject*, Cambridge Studies in Renaissance Literature and Culture, ed. by Stephen Orgel, vol. 26 (Cambridge: Cambridge University Press, 1998).

<sup>20</sup> *Ibid.*, p. 2.

early modern subjectivities make choices that we may disagree with does not invalidate or erase the fact that choices are made.<sup>21</sup>

Such debates about early modern subjectivity mirror those about the body. Once again, the underlying issues at stake are the impact of a post-Cartesian perspective on critical assessments of the historically different early modern subjectivity and the poststructuralist view of the inevitability of discursive construction. Critics like Barker implicitly impose a post-Cartesian framework on the historically different early modern understanding of subjectivity. There is no early modern subjectivity for Barker because his post-Cartesian definition of subjectivity precludes its existence. Critics like Greenblatt grant that early modern subjectivity exists, but argue that it lacks agency since it is always entirely constituted by discourse.<sup>22</sup> On the other hand, by arguing for the importance of materiality, critics like Matchinske present two important counter-positions. By recognising the 'material specificity' of the conditions in which early modern subjectivity is constructed,<sup>23</sup> we recognise the historicity and difference of these conditions.<sup>24</sup> Furthermore, recognising the 'material specificity' of individual subjectivity reveals both the limitations of discursive constructions and the existence of subjective agency.<sup>25</sup>

Such critical emphasis on 'material specificity' possesses considerable resonance for this thesis. By rightly stressing the need to incorporate the material in our re-constructions of early modern subjectivity, critics like Matchinske introduce the body to such projects. Such introduction, while extremely important, remains implicit, however. Matchinske, for example, does not conceive of the body as the basis for the construction of early modern subjectivity. As I have indicated earlier, however, the primary material that I have examined suggests that the criminalized body occupies precisely such a position in relation to criminalized subjectivity. Consequently, the primary material suggests the need for a theoretical framework that recognises the

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<sup>21</sup> Here, Matchinske is thinking specifically about early modern women.

<sup>22</sup> For Barker, the alterity of the body in the early modern period that he identifies is the basis for his argument of the non-existence of early modern subjectivity. Greenblatt, on the other hand, simply does not take the body or its material existence into account at all in his assessment of subjectivity in the period.

<sup>23</sup> Matchinske, *Writing, Gender and State*, p. 2.

<sup>24</sup> Matchinske does not explicitly make this argument. However, it is an implication of her work.

<sup>25</sup> Matchinske, *Writing, Gender and State*, p. 2.



primacy of the body in the construction of subjectivity and which also enables a direct engagement with the body that is neither reductive nor essentialist; an alternative theoretical framework to those currently employed by scholars of the early modern period.

This framework is, I believe, provided by Toril Moi's recent work on feminist theory, *What Is A Woman?*, which offers a revisionist exposition of Simone De Beauvoir's *The Second Sex*.<sup>26</sup> Moi's project is revisionist in two respects. First, Moi re-visits De Beauvoir's work, arguing for the continued relevance of De Beauvoir's philosophical project to contemporary feminists and feminist thought. Secondly, based on the French original rather than the classic English translation, Moi re-interprets De Beauvoir's theoretical formulations of female subjectivity in *The Second Sex*. As I will attempt to demonstrate in Chapter II, Moi's revisionist project provides an alternative 'theory of the embodied, sexually different human being'.<sup>27</sup> This theory acknowledges the importance of historicity, the materiality of the body and its physical existence, as well as the importance of discourse without resulting in a reductive or essentialist view of either the body or subjectivity. I will also subsequently attempt to demonstrate that this theory of subjectivity provides a powerful alternative to other theoretical models currently employed for a project such as mine. For, although neither Moi nor De Beauvoir has the early modern period in mind, I have found it the most constructive, non-reductive and non-essentialist way of engaging with, and re-constructing, an alternative, historically specific model of physicality and its relationship to an alternative, historically specific understanding of subjectivity in early modern England.

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<sup>26</sup> Toril Moi, 'What Is a Woman? Sex, Gender, and the Body in Feminist Theory', and "'I Am a Woman': The Personal and the Philosophical', in *What Is A Woman? And Other Essays* (Oxford: Oxford University Press; New York: Oxford University Press, Inc., 1999), pp. 3-120 and 121-250, respectively. Given the extent to which I have found Moi's work both illuminating and constructive, I find it surprising that I have only found one reference to Moi's work on De Beauvoir in contemporary early modern scholarship. Even here, however, Moi is only mentioned in passing in the concluding paragraph. See, Isabel Davis, 'Consuming the Body of the Working Man in the Later Middle Ages', in McAvoy and Walters, eds, *Consuming Narratives*, pp. 42-53.

<sup>27</sup> Moi, 'What Is a Woman?', p. 5.

## *Intro.2. Writing the Criminalized Body: Structure, Content, Methodology, and Terminology*

This thesis is primarily concerned with the historically different criminalized body and criminalized female subjectivity in early modern England. It is not, however, intended to be a history in any sense of the word. It is neither a history of the criminalized body in early modern England nor is it a history of early modern female criminal identity. Equally, it is not a history of criminalized early modern women writers or a history of the literature of crime written by early modern women. Rather, in this thesis, I hope to accomplish two things. First, I wish to establish the early modern English understanding of the criminalized body and re-construct its contingent relationship to criminalized subjectivity, whether male or female. And, secondly, I wish to look at discrete moments in the works of four early modern women writers where they appear to be engaged with constructions of female subjectivity as criminalized; either in relation to themselves or the fictional female subjectivities they construct.

Accordingly, I have divided this thesis into two parts: Part One, 'Constructing the Criminalized Body in Early Modern England, c. 1540-1640', and Part Two, 'Writing the Criminalized Body in Early Modern England, c. 1540-1640'. The purpose of Part One (Chapters I-III) is threefold: to situate this thesis in relation to the relevant contemporary scholarship, to elaborate on the theoretical framework I employ throughout, and, finally, to provide an exposition of the early modern criminalized body, subjectivity and their apparent widespread cultural currency. In the light of my conclusions in Part One, Part Two (Chapters IV-VII) provides a detailed analysis of some of the works of four early modern female writers: Anne Askew, Elizabeth Tudor, Lady Elizabeth Cary, and Lady Mary Wroth. In the remaining part of this introduction, I will provide a summary of the individual chapters, while commenting on my choice of terminology and textual selection.

In Chapter I, I situate this thesis in relation to the relevant areas of recent scholarship: the revisionist historical accounts of early modern English crime and female criminals, as well as recent critical accounts of criminal female

subjectivity in the literature of the period.<sup>28</sup> I demonstrate that this thesis addresses two unexamined areas of investigation that I have identified in contemporary literary criticism. The first is the lack of critical engagement with early modern women writers in the context of crime. The second is the lack of critical engagement with the body in projects that re-construct early modern criminal female subjectivity. I also suggest that there are several reasons why these two areas have remained unexamined. As I attempt to show, these reasons derive from the conjunction of the recent revisionist historical scholarship and some contemporary critical trends in early modern women's studies. Finally, I suggest that the two areas of investigation that thesis aims to explore become available to us if we re-think some of our critical approaches.

Accordingly, in Chapter II, I attempt to map the early modern understanding of the criminalized body and its relationship to criminalized subjectivity. Before engaging with the primary sources, however, I first expound the alternative theoretical framework provided by Toril Moi since this framework informs all the subsequent analysis. The rest of this chapter is devoted to the early modern criminalized body, criminalized subjectivity and 'culture of criminalization'. Taking as my starting point the early modern understanding of crime as an act that is sinful and unnatural as well as illegal, I argue that the criminalized body is also understood in these terms, namely, in terms of a fundamental early modern intellectual framework: the necessary correspondence between divine, human and natural laws. This conceptualization of the criminalized body also supposes that it is physically deformed since unnaturalness in human bodies is most commonly identified as corporeal monstrosity. Consequently, the criminalized body is either identified through its physical deformity, or it is imagined to be physically deformed. To show this, I examine a selection of early modern writings and practices that engage with instances of deviance from natural, divine and human laws. This examination reveals that the early modern understandings of unnaturalness and physically deformed human bodies are strongly associated with notions of sinfulness and

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<sup>28</sup> This survey provides a broad overview of both the recent historical and critical scholarship that has been carried out on early modern crime and criminal female subjectivity. This survey is not, however, exhaustive. In Part Two, I expand upon specific instances of early modern crime and female criminality that are relevant to the case study in question but which I have not necessarily addressed in great depth in Part One. I have done this in order to avoid repetition.

sinful bodies, all of which inform the ways in which the bodies of criminals are identified, treated and imagined. Furthermore, this examination reveals that, in the context of crime, the body is the basis for the construction of subjectivity. To support this claim, I then explore the relationship between the criminalized body and subjectivity in detail, focusing on William Rowley, Thomas Dekker and John Ford's *The Witch of Edmonton*.<sup>29</sup> This text also provides an example of the social process of criminalization that precedes the involvement of the judiciary and judicial processes. Finally, in this chapter, I argue for the existence of what might be called a 'culture of criminalization' in the period. This claim is supported by two factors. The first is the process of criminalizing bodies that begins in the social, rather than the legal, sphere. The second factor is the proliferation of criminalized bodies in a wide variety of texts that are not immediately or necessarily linked to the judicial system and its practices.

In Chapter III, I narrow my investigation to focus specifically on instances in which the female body and subjectivity are criminalized. I do not, however, examine the criminalization of the female body and subjectivity in the contexts of traditional female crimes such as witchcraft, petty treason (i.e. husband murder) or infanticide, since this chapter aims to demonstrate the wider cultural currency of the criminalized female body and subjectivity in the period. I demonstrate such cultural currency by examining some of the ways in which female bodies and subjectivities are constructed as criminalized in early modern religious, political and social writings. In other words, I examine the criminalization of the female body in the contexts of divine, human and natural laws: the three discourses that inform the early modern understanding of crime, criminalized bodies and criminalized subjectivities. Throughout this chapter, I attempt to illustrate the role played by the early modern discourse of gender in the process of criminalizing female bodies and subjectivities. In this way, this chapter serves as a transition between Parts One and Two.

Part One, therefore, provides the necessary historical, critical, theoretical and early modern cultural contexts for the detailed analysis that I carry out in Part Two. Before moving to the summary of Part Two though, I first wish to clarify the terminology that I employ throughout and my choice of texts.

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<sup>29</sup> William Rowley, Thomas Dekker and John Ford, *The Witch of Edmonton* (London, 1658).

I have used the term 'criminalized', as opposed to terms such as 'stigmatised' or 'demonised', for three reasons. First, I wished to employ a term that reflects and invokes the early modern understanding of such bodies and subjectivities. As I have already pointed out, in the early modern period, crime carries three, inextricably linked meanings: sinfulness, unnaturalness and illegality. Secondly, since the early modern evidence points to the existence of a process by which criminal bodies and subjectivities are identified and constructed, I have used 'criminalized', rather than the more static 'criminal'.<sup>30</sup> Thirdly, I wished to use a term that is not currently associated with other areas of critical investigation. Terms such as 'stigmatised' and 'demonised' have already been frequently employed elsewhere and have arguably become theoretically overburdened.

In Part One I draw on a wide variety of early modern texts. These include the Statutes, chronicles, diaries, natural histories, inventories of anatomy theatres and cabinets of curiosities, hagiographies, letters, political satires, religious treatises and sermons, philosophical tracts, medical works, social tracts, works on physiognomy, chiromancy and astronomy, plays, poems, prose fictions, emblem books, crime pamphlets, ballads and broadsheets. The purpose of examining such a wide range of material, both generically and chronologically (*c.* 1540-1640) is to explore and establish how criminalized bodies and subjectivities are imagined and described in the period, as well as their cultural currency. The interdisciplinary nature of my examination was generated by the primary source material itself as well as by current critical practices. It must also be noted that in most of my exploration of the early modern criminalized body, the sources I employ will be relatively unknown to the modern reader. Such texts, however, were not unknown to early modern readers and were considerably popular; many of the texts that I consult went through a number of editions. Notably too, I have not drawn heavily on canonical works of literature. For, while such works employ the early modern notions that I am interested in exploring, they do not explore the mechanisms of such notions. Instead, such works generally assume

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<sup>30</sup> The only place in this thesis where I do not use 'criminalized' in this sense is Chapter I; instead, I use the term 'criminal'. This is because I wish to distinguish my specific use of the term in the rest of this thesis from the ways in which other historical and literary scholars understand and talk about early modern criminals.

their audiences' familiarity with the criminalized body and its centrality to the construction of criminalized subjectivity.

Alternatively, in Part Two the main texts that constitute the case studies are more familiar, and I refer only briefly to other early modern sources. Similarly, the chronological span covered in each of the case studies is much more specific. In the four case studies, I focus on the following texts: *The [F]irst* and *The [L]attre [E]xaminacyon[s] of Anne Askew* (1546 and 1547), various letters and poems by Elizabeth Tudor and the 'State Papers relating to the custody of the Princess Elizabeth at Woodstock, in 1554' (c. 1554-1555), Lady Elizabeth Cary's *The Tragedy of Mariam, The Faire Queen of Jewry* (c. 1605; printed 1613), and Lady Mary Wroth's *The First Part of the Countess of Montgomery's Urania* (1621).<sup>31</sup> I have chosen these texts from the canon of early modern women writers in an attempt to redress the lack of critical discussions of such writers and their works in the context of crime, and because I am primarily interested in how women wrote the criminalized female body and subjectivity.<sup>32</sup> I have also chosen texts that were written by two women who were seen by the authorities as criminals; namely, Askew and Elizabeth, as well as texts by women who are pre-occupied with the construction of criminalized female subjectivity in their works; namely, Cary and Wroth. Finally, I have chosen generically diverse texts to show that women writers are not limited to constructing, as well as de-constructing, female subjectivity as criminalized in a particular genre. In all four case studies, however, the aim is not to produce a

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<sup>31</sup> Respectively: John Bale, *The first examinacyon of Anne Askew* (Marpurg [sic, Wesel], 1546) and John Bale, *The lattre examinacyon of Anne Askew* (Marpurg [sic, Wesel], 1547), in *The Examinations of Anne Askew*, ed. by Elaine V. Beilin, *Women Writers in English 1350-1850*, ed. by Susanne Woods and Elizabeth H. Hageman (New York and Oxford: Oxford University Press, 1996), pp. 1-72 and 73-161, respectively; *Elizabeth I: Collected Works*, ed. by Leah S. Marcus, Janel Mueller and Mary Beth Rose (Chicago and London: The University of Chicago Press, 2000); 'State Papers relating to the custody of the Princess Elizabeth at Woodstock, in 1554; being Letters between Queen Mary and her Privy Council, and Sir Henry Bedingfield, Knight of Oxburgh, Norfolk', ed. by C. R. Manning, in *Norfolk Archaeology: Or Miscellaneous Tracts Relating To The Antiquities Of The County Of Norfolk, Published By The Norfolk And Norwich Archæological [sic] Society* (Norwich: Charles Musket, Old Haymarket, 1855), IV, pp. 133-231; Lady Elizabeth Cary, *The Tragedy of Mariam, The Fair Queen of Jewry*, in *Renaissance Drama by Women: Texts and Documents*, ed. by S. P. Cerasano and Marion Wynne-Davies (London and New York: Routledge, 1996; repr. 1997), pp. 49-75; Lady Mary Wroth, *The First Part of the Countess of Montgomery's Urania*, ed. by Josephine A. Roberts, *Renaissance English Text Society*, 7th s., vol. XVII (for 1992), *Medieval and Renaissance Texts and Studies*, vol. 140 (Binghamton, New York: Medieval and Renaissance Texts and Studies, 1995).

<sup>32</sup> Such a project is constrained by the historical fact that the vast majority of texts that lend themselves to such an investigation in the period are produced by aristocratic women; women who could both read and write.

biographical account of the lives of any of these women or their identities. Rather, the purpose is to examine discrete instances in which these four women writers engage with early modern constructions of criminalized female bodies and subjectivities.

The first case study of this thesis attends to Anne Askew and *The [F]irst* and *The [L]attre [E]xaminacyon[s]* (1546 and 1547). Askew has long been viewed as a heroic and subversive martyr, while her writings have been hailed as the first extant female-written spiritual autobiography in early modern England. In Chapter IV, however, I shift my focus to view Askew as the authorities saw her: as a heretic and a traitor, and, therefore, as a criminal. I also shift my perspective to view her writings as the first extant female-written example of prison writing. This double shift in focus allows me to explore the inter-related questions of physicality and criminalization. Accordingly, I examine how the attempts of the authorities to criminalize Askew's body and her subjectivity and their ultimate success in doing so determine textual productions of the *[E]xaminacyon[s]*. I then examine Askew's apparent practice of writing her body out of her narrative. I argue that since the body is the basis for the construction of criminalized subjectivity, Askew deliberately writes her body out of her account in order to de-criminalize herself. Finally, I examine John Bale's strategies to reinstate Askew's body in his editorial *Elucydacyon[s]*. I argue that, like Askew, Bale's purpose is to de-criminalize Askew. Unlike Askew, however, Bale foregrounds Askew's body to demonstrate its innocence and, therefore, the innocence of Askew's subjectivity.

Askew's strategies are diametrically opposed to those adopted by the woman writer in the next case study in Chapter V: Elizabeth Tudor. Contrary to a considerable number of critics and historians, I focus on Elizabeth Tudor as a criminal; a prime suspect in the treasonous Wyatt rebellion in 1554 against Queen Mary Tudor. Specifically, I look at several extant texts written by Elizabeth and others in relation to her purported criminal involvement in the rebellion. This allows me, again, to highlight the significance of Elizabeth's body in various constructions of her subjectivity. In Elizabeth's own writing, I argue that Elizabeth emphasises her body to construct herself as innocent. I also argue that Elizabeth's state-sanctioned physical confinement impacts on her constructions of her subjectivity within two of her poems as well as the mode of

their material production. I then examine the 'Bedingfield Papers', the official correspondence written by Sir Henry Bedingfield, Elizabeth's jailer at Woodstock.<sup>33</sup> It is possible, as I will argue, to see Elizabeth as the co-author of some of Bedingfield's letters, and, therefore, to re-construct some of Elizabeth's attempts de-criminalize herself. At the same time, these letters reveal the considerable interest of the government in Elizabeth's body, which can, as I will argue, be explained by its attempts to criminalize her. Furthermore, the letters provide other constructions of Elizabeth's subjectivity. Bedingfield, for example, avoids constructing Elizabeth's subjectivity as criminalized. Mary, on the other hand, clearly believes that Elizabeth is a traitor and constructs her as such. As I argue, the complex interplay between the materiality of writing, Elizabeth's body, and constructions of Elizabeth's subjectivity in the extant material is generated by, and highlights, the centrality of the body to the early modern construction of criminalized subjectivity.

In the last two case studies, I shift my attention from women who were historically judicially confined and their writings, to women who experienced forms of physical confinement in the social sphere and their fictional accounts of criminalized female subjectivity. The first is Lady Elizabeth Cary's original neo-Senecan tragedy, *The Tragedy of Mariam* (1613) in Chapter VI, which she apparently wrote while confined to her room by her mother-in-law.<sup>34</sup> Here, I argue that the *Tragedy* dramatises some of the arguments for and against divorce, as well as the grounds upon which men and women could respectively sue for a divorce in early modern England: adultery and life-threatening violence. The play also dramatises the crimes of petty treason, petty tyranny, slander and defamation which form the subtext to divorce in the period. In doing so, the *Tragedy* situates the majority of its female characters in a context with strong criminal associations, allowing it to explore some of the ways in which female bodies and subjectivities could be criminalized. For example, the *Tragedy*

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<sup>33</sup> In referring to the 'State Papers', ed. by Manning, here and hereafter as the 'Bedingfield Papers', I am drawing on Frank A. Mumby's practice for simplicity and brevity. See Frank A. Mumby, *The Girlhood of Queen Elizabeth: A Narrative in Contemporary Letters* (London: Constable and Company Ltd, 1909). Mumby, however, uses an alternative spelling of the name, calling them the 'Bedingfeld Papers'.

<sup>34</sup> *The Lady Falkland. Her Life*, in *Elizabeth Cary. Lady Falkland. Life and Letters*, ed. by Heather Wolfe, Renaissance Texts from Manuscript, ed. by Jeremy Maule and Marie Axton, 4, Medieval and Renaissance Texts and Studies, vol. 230 (Tempe, Arizona: Arizona Center for Medieval and Renaissance Studies, 2001), pp. 101-222 (pp. 109-10).



explores the ease with which women could slip from being constructed as innocent to guilty in this context, by emphasising the direct impact of woman's body and her speech on constructions of her subjectivity by other people. It also dramatises early modern fears about the crimes an adulterous wife might commit. However, by questioning the legal status of a woman who marries a divorced man and the nature of adultery, as well as by positing possible justifications for a husband threatening his wife's life, the *Tragedy* remains morally ambiguous throughout, neither vindicating nor condemning any of the criminalized female subjectivities it portrays.

Moral ambiguity also characterises the final case study of this thesis: Lady Mary Wroth's original prose fiction, the *Urania* (1621). In Chapter VII, I suggest that Wroth explores some of the complex and problematic relationships among love, crime and physicality, particularly for women. As I will argue, Wroth achieves this by subverting the romance genre in constructing an alternative world in the *Urania* in which 'Love' and its laws replace God, nature and man and their laws; one of the fundamental early modern intellectual frameworks.<sup>35</sup> This allows Wroth to situate all her characters in the context of love and to re-define crime in terms of love. However, this also allows Wroth to problematise Love, its laws and some of its physical consequences by criminalizing them, while also showing that love and several of its consequences can result in both male and female characters being identified and treated as criminals. Most prominently, however, in the world of the *Urania*, Wroth portrays criminal female lovers, some of whom are punished and some of whom are not. Wroth also portrays various female lovers, some of whom are justly criminalized and some of whom are unjustly criminalized. All this contributes to the moral ambiguity of the *Urania*. If seen in relation to the fact that Wroth appears to have written the *Urania* while banished from court because of her unhappy affair with her cousin, William Herbert, Earl of Pembroke, it is perhaps not insignificant that the *Urania* presents such a morally ambiguous view of love and women in love. More significant though, is the extent to which the first printed prose fiction written by a woman in English is apparently pre-occupied

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<sup>35</sup> I have capitalised 'Love' here since, in the *Urania*, it emerges as a character, as well as to draw attention to the distinction between the character and the emotion in the romance.

with female crimes, criminalized female subjectivities and criminalized female bodies.

Underlying all four cases is a central paradox: all four women produced their writing out of their physical confinement. Both Askew and Elizabeth find the space and means to write once they have been criminalized and judicially confined. Cary and Wroth's texts, on the other hand, also emerge as the products of physical confinement in the social sphere. Traditionally, the association made between early modern women and confinement has been that of pregnancy, gestation and labour or of their social, political, and religious confinement by gender norms. As I hope this thesis will eventually show, criminalization and physical confinement did not necessarily have a detrimental impact on early modern women's writing, although, like child-birth and gender norms, they could, and in some cases did, have a fatal impact on their lives.

**PART ONE**

**CONSTRUCTING THE CRIMINALIZED BODY  
IN  
EARLY MODERN ENGLAND,  
c. 1540-1640**

## CHAPTER I

### WRITING FEMALE CRIMINALS: HISTORICAL AND CRITICAL ACCOUNTS

This thesis is a preliminary response to the notable lack of contemporary critical engagement with two areas of early modern women's writing: women writers and their texts in the context of early modern crime; and the female body in projects that re-construct early modern criminal female subjectivity. Several factors have contributed to this that apparently derive from the conjunction of two important fields of contemporary early modern scholarship: recent historical revisions of English crime and criminals, and some of the current critical trends in early modern women's studies. In identifying these factors, this chapter will provide the necessary historical background to the concerns of this thesis and indicate its departure from recent literary criticism.

First, I examine some of the central re-assessments of early modern English crime and criminals in recent historical scholarship. I also look at some of the main historical revisionist accounts of women and crime in the period.<sup>1</sup> I then turn to recent critical studies of female criminal subjectivity in sixteenth- and seventeenth-century literature. Here, I trace the influence of recent historical work on such critical studies as well as identifying some of the most prominent critical approaches employed in them. Finally, I attempt to show that critical engagement with the two areas this thesis investigates has been precluded through a combination of recent historical focus and contemporary critical trends in early modern women's studies, and I suggest that departures from current critical consensus are required for this thesis to carry out its project.

#### *1.1. Crime and Criminals: The Facts and Fictions*

The slightest theft is punished with death: even a youth of fifteen for his first crime or theft is hanged, unless he chances to know how to read and write, in which case, in consideration of his acquirements, they spare his life and brand

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<sup>1</sup> It is not possible within the scope of this chapter to engage with all the recent significant historical reassessments. Accordingly, I refer to the most important historical reassessments for the purposes of this thesis as a whole. Thereafter, I refer to other more specific historical reassessments in their relevant contexts.

one of his hands with a hot iron. If found stealing a second time he is hanged inexorably.

[....] They have a gaol delivery every month and pass sentence in an extravagant manner according to the law enacted of yore, and which is applicable to every crime. [....] As there is not mitigation such as banishment or the galleys, this [i.e. the sentencing] invariably involves life and death. They take them five and twenty at a time, every month, besides sudden and extraordinary executions in the course of the week on a large cart like a high scaffold. [....]

On reaching the gallows one of the party acts as spokesman, saying fifty words or so. Then [...] the executioner hastens the business, and beginning at one end, fastens each man's halter to the gibbet. They are so closely packed that they touch each other, with their hands tied in front of them, wrist to wrist [....] Finally, the executioner, having come down from the scaffold, has the whip applied to the cart horses, and thus the culprits remain dangling in the air precisely like a bunch of fat thrushes. They are hard to die of themselves and unless their own relations or friends pulled their feet or pelted them with brickbats [i.e. 'pieces or fragments of a brick']<sup>2</sup> in the breast as they do, it would fare badly with them. The proceeding is really barbarous and strikes those who witness it with horror.<sup>3</sup>

This extract from the *Diary* (c. 1617-18) of Horatio Busino, the Venetian ambassador's chaplain, describes the severity of the English criminal courts and their harsh, antiquated penal code. More often than not, Busino observes, such application results in the regular condemnation of a considerable number of people, culminating in their 'barbarous' and 'horr[ific]' public execution.<sup>4</sup> However, Busino's observations concerning the frequency of English public executions are not idiosyncratic. They belong to a considerable body of historical sources, both foreign and English, which portray a highly violent early modern English society.<sup>5</sup> These texts suggest an early modern England plagued by

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<sup>2</sup> *OED*, 1.a.

<sup>3</sup> 'The Diary of Horatio Busino, Chaplain of Pietro Contarini, Venetian Ambassador in England', in *The Journals of Two Travellers in Elizabethan and Early Stuart England: Thomas Platter and Horatio Busino*, ed. and trans. by Peter Razzell (London: Caliban Books, 1995), pp. 109-84 (pp. 148-49).

<sup>4</sup> *Ibid.*, p. 149.

<sup>5</sup> Other foreign travellers in the late sixteenth and early seventeenth centuries record similar observations to Busino's in their accounts of England. See, for example, Samuel Kiechel,

criminals, who, when caught, are almost inevitably subjected to judicial punishments.

This view of early modern English crime and criminals is not restricted to historical documentation. It is further supported by the popular literature of the period. The rogue literature of writers like John Awdeley, Thomas Harman and Robert Greene reveal the doings of miscreants such as vagabonds, cony-catchers and priggers of prancers.<sup>6</sup> The prison pamphlets of Thomas Dekker, William Fennor, Geffray Mynshul and John Taylor portray English prisons crowded with diverse criminals, who are guarded by corrupt jailers.<sup>7</sup> Pamphlets by writers like Gilbert Dugdale and Henry Goodcole relate numerous kinds of murder such as homicide, uxoricide, infanticide and parricide as well as the crime of witchcraft.<sup>8</sup> Other pamphlets by writers such as Richard Cosin and Anthony Munday report 'eye-witness' accounts of the executions of traitors, and their gallows speeches, as do innumerable anonymous ballads and broadsheets.<sup>9</sup> Even playwrights such

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*England and the English* (1585); Paul Hentzner, *Travels in England* (1598); Justus Zinzerling, *Description of England* (c.1610), in *England As Seen By Foreigners In The Days Of Elizabeth And James the First*, ed. and trans. by William Brenchley Rye (London: John Russell Smith, 1865), pp. 89, 110 and 133, respectively. See also, Thomas Platter's (i.e. Platterus) account of English executions in *Thomas Platter's Travels in England 1599*, ed. and trans. by Clare Williams (London: Jonathan Cape, 1937), pp. 174 -75. Such foreign assessments are supported by a wide variety of contemporaneous English sources. Personal accounts, such as the anonymous *Chronicle of Queen Jane*, ed. by J. G. Nichols, Printed for the Camden Society (London: J. B. Nichols and Son, 1850), Charles Wriothesley's *Chronicle Of England*, ed. by William Douglas Hamilton, 2 vols, Printed for the Camden Society (London, 1875-77), Henry Machyn's *Diary*, ed. by John Gough Nichols, Printed for the Camden Society (London: J. B. Nichols and Son, 1848), and John Chamberlain's *Letters*, ed. by Elizabeth McClure Thomson (London: John Murray, 1966), suggest the frequency with which the penal code was applied to its fullest extent. This is also true of the more encyclopaedic works such as Raphael Holinshed's *Chronicles* (London, 1574 and 1587), John Stow's *Svmmarie[s] of the Chronicles of England* (London, 1590 and 1604) and his *Annales Of England* (London, 1605), Edmund Howes's *Annales* (London, 1631), and William Camden's *Annales* (London, 1625 and 1635).

<sup>6</sup> See, for example, John Awdeley, *The Fraternite of Vacabondes* (London, 1565); Thomas Harman, *A Caueat or Warening, For Commen Cvrsetors* (London, 1567); Robert Greene, *A Notable Discouery of Coosnage* (London, 1591).

<sup>7</sup> See, for example, Thomas Dekker *Villanies Discovered By Lanthorne and Candle-light* (London, 1620); William Fennor, *The Compters Common-Wealth* (London, 1617); Geffray Mynshul, *Essayes and Characters Of A Prison and Prisoners* (London, 1618); John Taylor, *The Praise And Vertue Of a Jayle, and Jaylers* (London, 1623).

<sup>8</sup> See, for example, Gilbert Dugdale, *A True Discourse Of the practices of Elizabeth Caldwell* (London, 1604); Henry Goodcole, *Natures Cruell Step-Dames* (London, 1637); Henry Goodcole, *The wonderfull discouerie of Elizabeth Sawyer a Witch* (London, 1621).

<sup>9</sup> See, for example, Richard Cosin, *Conspiracie, for Pretended Reformation* (London, 1592); Anthony Munday, *A breefe and true reporte, of the Execution of certaine Traytors* (London, 1582); Anon., *A lamentable Ditty composed vpon the Death of Robert Lord Devereux, late Earle of Essex* (London, [c. 1625?]), in *The Roxburghe Ballads*, ed. by William Chappell and J. Woodfall Ebsworth, 9 vols, Printed for the Ballad Society (Hertford: Stephen Austin and Sons, 1872-99), I.1.184; Anon., *The godly end, and wofull lamentation of one John Stevens* (London, 1632), in *Roxburghe*, ed. by Chappell and Ebsworth, I.2.490-91; Anon., *A True Report of the*

as William Shakespeare, Ben Jonson, John Webster, John Ford and Thomas Heywood, include thieves, arsonists, murderers, traitors, prostitutes, and witches, in their works.

Such texts collectively portray a substantial early modern criminal underground, suggesting a society plagued with violence and criminals. Lawrence Stone, for example, identifies early modern England as characterised by an

extraordinary amount of casual inter-personal physical and verbal violence [...]. The most trivial disagreements tended to lead rapidly to blows, and most people carried a potential weapon, if only a knife to cut their meat. As a result, the law courts were clogged with cases of assault and battery.<sup>10</sup>

Commenting on infanticide, Stone remarks that '[f]inding' the "[f]inger of [a] birth-strangled babe / Ditch-delivered by a drab" 'should not have presented insuperable difficulties in Shakespearean England'.<sup>11</sup> Similarly, Keith Thomas indicts the early modern English practice of physically assaulting accused witches using 'thorns, needles, bodkins and knives' as well as the pre-emptive extra-judicial practice of 'lynching' witches.<sup>12</sup> And, as recently as 1999, Alison Sim includes public executions in Elizabethan 'Sports, Games and [...] Pastimes'.<sup>13</sup> This period is, according to Sim, 'an age when public executions were considered a spectator sport'.<sup>14</sup>

This sensationalist view of early modern English violence, crimes, criminals and judicial punishments continues to be attractive to scholars. It is not, however, historically accurate. Recent historical scholarship demonstrates the considerable disparity between the facts of early modern crime and criminals evidenced in the various historical documents and the fictions proliferated by

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*Araignment, tryall, conuiction, and condemnation, of [...] Robert Drewrie* (London, 1607); T. W., *The Araignment And Execvtion of the late Traytors* (London, 1606).

<sup>10</sup> Lawrence Stone, *The Family, Sex and Marriage in England 1500-1800*, Abridged edn (London: Pelican Books, 1979; repr. London: Penguin Books, 1990), p. 77. See also, Lawrence Stone, 'Interpersonal Violence in English Society 1300-1980', *Past and Present*, 101 (1983), 22-33.

<sup>11</sup> Stone, *Family, Sex and Marriage*, p. 297.

<sup>12</sup> Keith Thomas, *Religion and the Decline of Magic* (London: Penguin University Books, 1973; repr. London: Penguin Books, 1991), pp. 634 and 540, respectively.

<sup>13</sup> Alison Sim, 'Sports, Games and Other Pastimes', in Alison Sim, *Pleasures and Pastimes in Tudor England* (Gloucestershire: Sutton Publishing, 1999), pp. 157-73.

<sup>14</sup> *Ibid.*, p. 166.

early modern literature. Such revisionist scholarship has taken a variety of directions and has substantially altered our understanding of both crime and criminals in the period. We now know, for example, that while early modern English society was highly litigious, it was not a society plagued by random acts of violence.<sup>15</sup> We now also possess a much more detailed knowledge of the inner workings, jurisdictions and conflicts between various early modern courts such as the church courts, the Court of Requests and the Court of Chancery.<sup>16</sup> Perhaps most importantly, we have become increasingly aware of the leniency of the early modern judicial system. For, while the legislation clearly becomes harsher during this period, actual instances of its full application by the courts drop noticeably.<sup>17</sup> For my purposes here, however, I will focus on four particular aspects that have emerged out of such studies of early modern crime: the value of sixteenth- and seventeenth-century literary representations of crime, the historically specific understanding of crime, the role of local society in dealing with criminals, and the function of judicial punishment in early modern England.

In her detailed analysis of the various court records for seventeenth-century eastern Sussex, Cynthia Herrup concludes 'the underworld portrayed so vividly in tracts and drama either touched eastern Sussex only rarely or it produced miscreants too clever to spend much time in local courtrooms'.<sup>18</sup> Such disparities have led historians to re-assess the historical accuracy of early modern

<sup>15</sup> See, for example, J. A. Sharpe, *Crime and the Law in English Satirical Prints 1600-1832*, The English Satirical Print 1600-1832, ed. by Michael Duffy (Cambridge: Chadwyck-Healey Ltd; Alexandria, VA: Chadwyck-Healey Inc., 1986), pp. 11-47 and Susan Dwyer Amussen, "Being Stirred to Much Unquietness": Violence and Domestic Violence in Early Modern England', *Journal of Women's History*, 6 (1994), 70-89.

<sup>16</sup> For studies of the church courts, see especially Martin Ingram, *Church Courts, Sex and Marriage in England, 1570-1640*, Past and Present Publications, ed. by Paul Slack (Cambridge; New York; Melbourne: Cambridge University Press, 1987) and Laura Gowing, *Domestic Dangers: Women, Words and Sex in Early Modern London*, Oxford Studies in Social History, ed. by Keith Thomas (Oxford: Clarendon Press, 1996). For an account of the Court of Requests, see Tim Stretton, *Women Waging Law in Elizabethan England*, Cambridge Studies in Early Modern British History, ed. by Anthony Fletcher, John Guy and John Morrill (Cambridge: Cambridge University Press, 1998). For studies of the Court of Chancery, see especially Maria L. Cioni, *Women and Law in Elizabethan England with particular reference to the Court of Chancery*, British Economic History: A Garland Series, ed. by Peter Mathias and Stuart Bruchey (New York and London: Garland Publishing Inc., 1985) and Amy Louise Erickson, *Women and Property in Early Modern England* (London and New York: Routledge, 1993).

<sup>17</sup> For an account of this phenomenon, see J. A. Sharpe, *Crime in Early Modern England 1550-1750*, 2nd edn, Themes in British Social History, ed. by John Stevenson (London and New York: Longman, 1999).

<sup>18</sup> Cynthia B. Herrup, *The Common Peace: Participation and the Criminal Law in Seventeenth-Century England*, Cambridge Studies in Early Modern British History, ed. by Anthony Fletcher, John Guy and John Morrill (Cambridge; New York; Melbourne: Cambridge University Press, 1987), p. 10.



literary representations of crime and criminals. Not surprisingly perhaps, such reassessments vary widely between scepticism of, cautious engagement with, and acceptance of literary representations.

According to J. A. Sharpe, projects which employ 'literary' works as their only sources of historical facts about early modern crime are seriously flawed.<sup>19</sup> In his important study, *Crime in Early Modern England*, Sharpe identifies Gāmini Sālgado's *Elizabethan Underworld* as an example of the historical inaccuracy of such literature-based projects.<sup>20</sup> Sharpe argues that while such works 'form easily palatable' texts, they are 'hopelessly inadequate [historical] books'.<sup>21</sup> Sharpe's criticism derives from his identification of the widespread misconception of "real crime" in early modern England which must be seen, argues Sharpe, as the crimes most frequently brought to the attention of the authorities and prosecuted in the courts.<sup>22</sup> Employing this definition, Sharpe shows that real crime in the period constitutes offences such as vagrancy, petty theft, scolding, defamation, infraction of the drink laws, and the overall disturbance of the peace. In other words, 'petty crime' is the "real crime" of early modern England, not "serious crime"; felonies such as murder, grand larceny, property offences, sexual offences, witchcraft, arson and treason.<sup>23</sup> If, therefore, the literature of the period is representative of anything, argues Sharpe, it represents the fears of early modern society about crime, not the social reality of crime.<sup>24</sup>

Ian Archer suggests a more cautious assessment of the historical value of early modern literature.<sup>25</sup> In his microcosmic study of London in the 1590s,

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<sup>19</sup> Sharpe, *Crime in Early Modern England*, p. 12.

<sup>20</sup> Respectively: *ibid* and Gāmini Sālgado, *The Elizabethan Underworld* (London: J. M. Dent and Sons Ltd., 1977; repr., Gloucestershire: Alan Sutton; New York: St. Martin's Press, 1992).

<sup>21</sup> Sharpe, *Crime in Early Modern England*, p. 13. For other examples of 'hopelessly inadequate books' (*ibid.*) according to Sharpe's criteria, see E. J. Burford and Joy Wotton, *Private Vices-Public Virtues: Bawdry in London from Elizabethan Times to the Regency* (London: Robert Hale, 1995); E. J. Burford and Sandra Shulman, *Of Bridles and Burnings: The Punishment of Women* (London: Robert Hale; New York: St. Martin's Press, 1992); E. J. Burford, *London: The Synfulle Citie* (London: Robert Hale, 1990).

<sup>22</sup> Sharpe, *Crime in Early Modern England*, p. 6.

<sup>23</sup> *Ibid.* For Sharpe's distinction between 'petty' and "serious" crime, see *ibid.*, pp. 6-7. The predominance of petty crime does not mean that serious crimes were not committed, prosecuted and punished. However, according to Sharpe, the overwhelming evidence points to the fact that petty crime far outweighed serious crime in the period.

<sup>24</sup> See *ibid.*, pp. 235-36.

<sup>25</sup> Ian W. Archer, *The Pursuit of Stability: Social Relations in Elizabethan London*, Cambridge Studies in Early Modern British History, ed. by Anthony Fletcher, John Guy and John Morrill (Cambridge: Cambridge University Press, 1991).

Archer locates a problem with an approach such as Sharpe's. The records of criminal prosecutions do not provide an entirely accurate account of real crime since these records do not, indeed cannot, include instances of criminal activity that are unrecorded. As Archer points out,

[i]ndictments are not a reliable indicator of the level of crime because of the 'dark figure' of unprosecuted crime. [...] Nor are indictments helpful on criminal organisation because they tend to reduce the scope of criminal activity to the one occasion on which the criminal was caught.<sup>26</sup>

Arguably then, while the study of court records provides a necessary corrective to traditional views of crime and criminals, it cannot provide a complete picture. Indeed, as various historians acknowledge, a complete picture is impeded by the incomplete nature of the legal records of this period. That the literature of the period represents a valid source of information about crimes and criminals is not, therefore, a claim that should be dismissed summarily. Nevertheless, cautions Archer, we must question the claims of accuracy in such literature. Factors such as the impact of the European literary tradition of rogue literature, writers' need for sensationalist accounts, and commercial interests must be taken into consideration when examining such material.<sup>27</sup>

Tim Stretton, on the other hand, adopts a more positive stance towards literary sources. Stretton reminds us that a large number of Elizabethan, Jacobean and Caroline dramatists and writers had first-hand experience of the law.<sup>28</sup> Such writers either received a degree of legal training at one of the Inns of Court or had first-hand experience of the legal system at some point during their lives. '[...] [I]t is difficult', comments Stretton, 'to bring to mind [a] [...] playwright or writer who did not possess a connection with the law or personal experience of the law courts'.<sup>29</sup> Additionally, a large section of the target audience for many plays was the legal community of London, both students and practising lawyers. Also, notes Stretton, many of the popular pamphlets and treatises of the period reveal a conscious use of legal language and rhetoric. Partly as a result of

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<sup>26</sup> Ibid., p. 205.

<sup>27</sup> Ibid.

<sup>28</sup> Stretton, *Women Waging Law*, p. 64.

<sup>29</sup> Ibid.

writers' own decisions to employ such a framework, Stretton posits that this preponderance reflects 'the more general saturation of English Renaissance culture with litigation and law'.<sup>30</sup> Stretton's work suggests that a considerable portion of the literature of the period is informed by first-hand knowledge and experience of the early modern English legal system.<sup>31</sup> Consequently, historians of crime can employ such literature productively.

Revisionist historians are still, therefore, engaged in a debate over the historical usefulness of the representations of crime and criminals in early modern literature. Historians, however, do agree upon the historically specific cultural understanding of crime in this period.

Collectively, J. A. Sharpe, Cynthia Herrup and Malcolm Gaskill draw attention to the fact that crime is perceived as illegal as well as sinful and unnatural.<sup>32</sup> Commenting on the Adultery Act of 1650 which made adultery a felony, i.e. a crime punishable by death, Sharpe argues that the Act 'provides a neat demonstration not so much of a[n] [early modern] willingness to criminalize sin as of a widespread inability to comprehend a distinction between the two'.<sup>33</sup> Cynthia Herrup expands on this lack of distinction. According to the common law, because felonies were deliberate, they were viewed and treated as 'sinful acts as well as crimes'.<sup>34</sup> Moreover, felonies were seen as attacks on the community at large as well as on the monarch. Consequently, 'contemporaries punished a crime as a moral and social lapse as well as a legal one'.<sup>35</sup> In his recent work, *Crime and Mentalities*, Malcolm Gaskill also stresses that the early moderns 'did not share our aggregated concept of the word [i.e. crime], especially as a form of behaviour readily distinguishable from sin'.<sup>36</sup> Gaskill adds that part of this understanding of crime entailed the notion of unnaturalness;

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<sup>30</sup> Ibid., p. 67.

<sup>31</sup> For similar conclusions regarding sixteenth-century literature in this context, see R. S. White, 'Law and Literature in Sixteenth-Century England', in R. S. White, *Natural Law in English Renaissance Literature* (Cambridge: Cambridge University Press, 1996), pp. 72-106.

<sup>32</sup> Respectively: Sharpe, *Crime in Early Modern England*; Herrup, *Common Peace*; Malcolm Gaskill, *Crime and Mentalities in Early Modern England*, Cambridge Studies in Early Modern British History, ed. by Anthony Fletcher, John Guy and John Morrill (Cambridge: Cambridge University Press, 2000). Although it is the revisionist historians themselves who note this particular early modern understanding of crime, they do not explore the ramifications such an understanding has on our assessment of the literature of the period. I shall explore this point in greater depth in Chapter II.

<sup>33</sup> Sharpe, *Crime in Early Modern England*, p. 8.

<sup>34</sup> Herrup, *Common Peace*, p. 3.

<sup>35</sup> Ibid.

<sup>36</sup> Gaskill, *Crime and Mentalities*, p. 28.

'certain [...] offences against God and man' were seen as "unnatural" and 'were deemed to bear a common stamp of heinousness'.<sup>37</sup>

Understanding early modern crime in these terms is crucial since it highlights its historical specificity. As Richard Van Dülmen remarks, the most 'serious' and 'objectively founded [...] problems' with our engagement with early modern 'crime and punishment' derive from our imposition of our own 'terms [...] which do not do justice to the true state of affairs in the early modern era'.<sup>38</sup> Two areas of our understanding of early modern crime that have been significantly revised by this change of historical perspective are the role of local society in dealing with criminals and corporeal judicial punishments.

As Herrup's comments above on felonies suggest, there was a close connection between the criminal and his or her immediate society. Various historical studies show that this connection was not restricted to the judicial punishment of criminals; it was also present in some of the ways early modern English society policed itself in the absence of a regular police force. For example, as Sharpe has shown, parish officials were generally members of the local community. Consequently, they would know, and be known to, many of their parishioners. It was likely, then, that such officials would either know the criminal personally, or know someone who knew the criminal.<sup>39</sup> Arguably, however, the regulation of the social behaviour of local communities occurred more frequently from within the communities themselves. In many cases, particularly in relation to petty crimes and criminals, the local JP, clergyman, neighbours, friends and families would become involved and attempt to resolve disputes outside of the courts. As Susan Amussen, Vanessa McMahon and Marjorie McIntosh have shown, scolding wives, wife-beaters, petty thieves, insubordinate servants and violent masters or mistresses; people whose misdemeanours or offences threatened the community and who could be brought before the ecclesiastical courts, could expect to find themselves chastised and warned by members of their community in attempts to restore social order.<sup>40</sup>

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<sup>37</sup> Ibid.

<sup>38</sup> Richard Van Dülmen, *Theatre of Horror: Crime and Punishment in Early Modern Germany*, trans. by Elisabeth Neu (Cambridge: Polity Press, 1990), p. 3.

<sup>39</sup> See Sharpe, *Crime in Early Modern England*, pp. 102-34.

<sup>40</sup> Respectively: Susan Dwyer Amussen, *An Ordered Society: Gender and Class in Early Modern England*, Family, Sexuality and Relations in Past Times, ed. by Peter Laslett, Michael Anderson and Keith Wrightson (Oxford and New York: Basil Blackwell, 1988), and "Being Stirred to

Similarly, people articulated their concerns regarding the behaviour of their neighbours that they found suspicious to other members of the community. This practice ensured that there would be witnesses in the event of a crime being committed. This view of a self-regulating society and the concerted communal efforts to enforce order is supported by the evidence in the court records. Analyses of these records have revealed that behind the specific charges that were made lay complex webs of financial and social disputes, as well as various attempts made by friends, relations and members of the local community of both plaintiff and defendant to resolve the points of contention.<sup>41</sup> Indeed, in many cases, the court was the last resort. Consequently, early modern English society actively contributed to the identification of criminals and the regulation of criminal behaviour.

Another area in which our understanding of early modern English crime has been revised is that of the corporeal modes of judicial punishment. Fining was one of the most common punishments.<sup>42</sup> Additionally though, a considerable range of other punishments were available to the authorities that were of a physical nature, including the stocks and the pillory; the branks or scold's bridle; the ducking, or cucking, stool; whipping; carting; branding; partial facial and bodily mutilation. Traditionally, these modes of judicial punishments have been censured for their inhumanity and frequent application. Recent historical work, however, provides two important correctives to this traditional assessment. First, as Sharpe argues in *Judicial Punishment*, the use of corporal chastisement, although not unusual and legislatively sanctioned, does not appear to have been inflicted nearly as frequently as was hitherto assumed.<sup>43</sup> Secondly, Sharpe and other historians demonstrate that when such physical punishments were inflicted,

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Much Unquietness"; Vanessa McMahon, *Murder in Shakespeare's England* (London and New York: Hambledon and London, 2004); Marjorie Keniston McIntosh, *A Community Transformed: The Manor and Liberty of Havering, 1550-1620*, Cambridge Studies in Population, Economy and Society in Past Time, ed. by Peter Laslett, and others, vol. 16 (Cambridge: Cambridge University Press, 1991); Marjorie Keniston McIntosh, *Controlling Misbehaviour in England, 1370-1600*, Cambridge Studies in Population, Economy and Society in Past Time, ed. by Roger Schofield, and others, vol. 34 (Cambridge: Cambridge University Press, 1998).

<sup>41</sup> For a book-length, microcosmic study of one case that demonstrates some of the financial and social complexities that could lie behind a criminal charge, see James Sharpe, *The Bewitching of Anne Gunter: A Horrible and True Story of Football, Witchcraft, Murder and the King of England* (London: Profile Books Ltd, 2000).

<sup>42</sup> J. A. Sharpe, *Judicial Punishment in England*, Historical Handbooks, ed. by Avner Offer and F. M. Thompson (London: Faber and Faber, 1990), p. 49.

<sup>43</sup> *Ibid.*, pp. 19-24.

they were informed by a rationale that derived directly from the early modern understanding of crime.<sup>44</sup> Since a crime was understood in moral and social, as well as legal terms, restitution had to be made to society at large. Consequently, judicial punishments had to take place in public, in a context in which the criminal was known, and, finally, the punishment had to shame the criminal. At a time when society was much closer knit, such punishment ensured the social redemption of the criminal for his or her transgression while society itself was purified of the transgression that had occurred within it.<sup>45</sup> Therefore, argues Sharpe, 'it is inaccurate to regard the early modern period simply as a period of unrelieved and systematic barbarity'.<sup>46</sup>

The form of early modern criminal punishment that has received most critical attention is public execution. Hanging appears to have been the mode of punishment most commonly employed for the public execution of most felons. There were, however, other options. Burning was the punishment for heresy and petty treason. Drawing, hanging and quartering was the punishment for lower class traitors, while beheading was generally reserved for aristocratic ones. For Sharpe, public 'execution' was a 'set-piece' of 'Tudor governmental innovation'.<sup>47</sup> It was 'a highly structured ritual in which the authority of the state was demonstrated, in a dramatic fashion, to the public at large', and in which all its participants willingly played out their state-prescribed roles.<sup>48</sup> This, according to Sharpe, was the primary purpose of public execution and superseded its purpose of deterrence. Thomas W. Laqueur posits an alternative view.<sup>49</sup> Rather

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<sup>44</sup> Ibid., pp. 26-27. Other revisionist historians have also arrived at similar conclusions. See also, for example, Dülmen, *Theatre of Horror*; Michael R. Weissner, *Crime And Punishment in Early Modern Europe, Pre-Industrial Europe 1350-1850*, ed. by Geoffrey Parker (Brighton, Sussex: The Harvester Press Limited, 1979; revised edn, 1982); Pieter Spierenburg, *The Spectacle of Suffering: Executions and the Evolution of Repression: From a Preindustrial [sic] Metropolis to the European Experience* (Cambridge: Cambridge University Press, 1984).

<sup>45</sup> See Sharpe, *Judicial Punishment*, pp. 19 and 49.

<sup>46</sup> Ibid., p. 49.

<sup>47</sup> J. A. Sharpe, *Early Modern England: A Social History 1550-1760*, 2nd edn (London: Arnold, 1997), p. 114.

<sup>48</sup> Ibid., p. 115. See also Sharpe, *Judicial Punishment*, pp. 31-35 and J. A. Sharpe, "'Last Dying Speeches': Religion, Ideology and Public Execution in Seventeenth-Century England", *Past and Present*, 107 (1985), 144-67. In the latter, Sharpe provides a detailed exposition of his views on early modern public executions, as well as a detailed analysis of what he identifies as the stereotypical generic characteristics of 'gallows speeches' or 'last good nights'.

<sup>49</sup> Thomas W. Laqueur, 'Crowds, Carnivals and the State in English executions, 1604-1868', in *The First Modern Society: Essays in English History in Honour of Lawrence Stone*, ed. by A. L. Beier, David Cannadine and James M. Rosenheim, *The Past and Present Society* (Cambridge: Cambridge University Press, 1989), pp. 305-55.

than being rigidly enacted rituals that demonstrated the power of the state, Laqueur argues that public executions admitted a much higher degree of fluidity than Sharpe recognises. In fact, argues Laqueur, numerous records of the behaviour of English crowds at public executions suggest their unwillingness to conform to their state-prescribed role of an instructed audience. Instead, crowds appear to have adopted a carnivalesque attitude to public executions. Such behaviour suggests that popular perceptions of public executions and their functions differed considerably from those of the state.

While Sharpe and Laqueur clearly differ on this, they are united in their revisionist understanding of early modern English public executions as evidence of the historically different views of crime, criminals and their judicial punishment in the period, not as evidence of its barbarity. Such a shift is symptomatic of a broader change in recent historical assessments of early modern English crime and criminals. We can no longer engage with the literature of the period as representative of the reality of crime and criminals without qualification. Also, it is now clear that we need to recognise the historically specific understanding of crime as sinful and unnatural as well as illegal. Furthermore, when thinking about the social context of the identification and treatment of criminals in the period, we need to take the role played by local society in policing itself into consideration. Moreover, judicial punishments have been shown to function according to a specific early modern rationale rather than according to an arbitrary barbarity. These historical re-assessments are significant in their own right. However, their significance also lies in the impact they have had on historical re-assessments of women and crime in early modern England as well as recent critical studies of constructions of criminal female subjectivity in the literature of the period. Accordingly, I shall now turn to these two areas.

## *1.2. Writing Female Criminals*

[...] Women have no voyse in Parliament, They make no Lawes, they consent to none, they abrogate none. All of them are understood either married or to bee

married and their desires or [*sic*] subject to their husband, I know no remedy though some women can shift it well enough.<sup>50</sup>

The highly restrictive and misogynist nature of early modern English legislation, suggesting a society in which women had no access to the legal system, has long been commented upon. Recent historical research, however, has revealed the extent to which women did indeed 'shift it well enough', belying the scarcity implied by T. E.'s now famous comment in *The Lawes Resolutions of Womens Rights* (1632).<sup>51</sup> Historians such as Maria Cioni, Amy Erickson, Tim Stretton, and Geoffrey Hudson have demonstrated not only the various legal avenues available to women in the period, but also the surprising numbers of women who availed themselves of such means.<sup>52</sup> Such research has begun to reveal the extent to which women involved other women in the legal processes. Women were plaintiffs against women as well as men. And, although women were not part of the judiciary, they were frequently involved as witnesses and experts in cases involving other women.<sup>53</sup> Historians such as Malcolm Gaskill, Garthine Walker, Martin Ingram, and Laura Gowing have pursued the implications of this, focusing on the nature of female crime and punishments.<sup>54</sup> Such research has reinforced the more general revised observations of the historians of early modern crime that I have examined above, providing important correctives to previously held assumptions about English women and crime in the period. This research is beginning to demonstrate the ways in which criminal women were treated as autonomous subjects by the judicial system. This research on women, the law and crime in early modern England has also influenced literary critics.

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<sup>50</sup> T. E., *The Lawes Resolutions Of Womens Rights* (London, 1632), p. 6: sig. B3<sup>v</sup>.

<sup>51</sup> *Ibid.*

<sup>52</sup> Respectively: Cioni, *Women and Law*; Erickson, *Women and Property*; Stretton *Women Waging Law*; Geoffrey L. Hudson, 'Negotiating for Blood Money: War Widows and the Courts in Seventeenth-Century England', in *Women, Crime and the Courts in Early Modern England*, ed. by Jenny Kermode and Garthine Walker (Chapel Hill: The University of North Carolina Press; London: University College Press Limited, 1994), pp. 146-69.

<sup>53</sup> See, for example, Laura Gowing, *Common Bodies: Women, Touch and Power in Seventeenth-Century England* (New Haven and London: Yale University Press, 2003) and McMahon, *Murder in Shakespeare's England*.

<sup>54</sup> Respectively: Gaskill, *Crime and Mentalities*; Garthine Walker, 'Women, Theft and the World of Stolen Goods', in *Women, Crime and the Courts*, ed. by Kermode and Walker, pp. 81-105; Martin Ingram, '"Scolding Women Cucked or Washed": A Crisis in Gender Relations in Early Modern England?', in *Women Crime and the Courts*, ed. by Kermode and Walker, pp. 48-80; Laura Gowing, 'Language, Power and the Law: Women's Slander Litigation in Early Modern London', in *Women, Crime and the Courts*, ed. by Kermode and Walker, pp. 26-47.



Accordingly, in this section, I will first examine some of the most important historical revisions of our understanding of early modern women and crime. I will then look at how such research has influenced literary critics. Finally, I will examine some of the most prominent trends in recent critical engagements with constructions of criminal female subjectivity in sixteenth- and seventeenth-century literature.

One area in which prominent misconceptions of female criminality have been drastically revised is witchcraft. In his important study, *Crime and Mentalities*, Malcolm Gaskill revises our understanding of witchcraft, the women who were accused of it, and the mentalities of accusers. First, Gaskill illustrates the erroneous nature of the earlier traditional model of a witch employed by historians such as Keith Thomas and Alan Macfarlane.<sup>55</sup> This 'orthodox' model traditionally viewed a witch as an old, poor woman who was either single or widowed.<sup>56</sup> However, Gaskill demonstrates that the records show that married women, unmarried girls, and men were accused of witchcraft. Such evidence supports the argument made by revisionist historians for the inaccurate picture provided by sixteenth- and seventeenth-century literature regarding crime and criminals. The records also reveal that complex financial and social disputes almost invariably lie behind accusations of witchcraft. As Gaskill notes, '[w]itchcraft accusations [...] were the product of interpersonal conflicts rather than crazes sucking in scapegoats – conflicts which had many causes and took many forms'.<sup>57</sup> Again, such an observation supports the revisionist view of the social complexities and social involvement that lie behind accusations of crime. Finally, Gaskill stresses our need to recognise that the accused as well as the accusers and the prosecutors believed the veracity of the charges.<sup>58</sup> When engaging with early modern English crime and criminals then, we must be highly conscious of the historically specific and different ways in which crime and

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<sup>55</sup> Respectively: Thomas, *Religion*, and Alan Macfarlane, *Witchcraft in Tudor and Stuart England: A Regional and Comparative Study*, 2nd edn (London: Routledge, 1999).

<sup>56</sup> Gaskill, *Crime and Mentalities*, p. 34. See also *ibid.*, pp. 34-37.

<sup>57</sup> *Ibid.*, pp. 54-55.

<sup>58</sup> *Ibid.*, pp. 36-37: 'Social differences aside, in terms of mentalities, witch and accuser inhabited the same magical universe. [...] There is no doubt [...] that witches, witnesses, magistrates and jurors alike sincerely believed that supernatural forces could be manipulated for good or ill, a belief which formed part of their understanding of the world'. James Sharpe also makes this point in his 'General Introduction', in *English Witchcraft 1560-1736*, ed. by James Sharpe, and others, 6 vols (London: Pickering and Chatto, 2003), 1, ed. by James Sharpe, p. ix.

criminals are understood. This revisionist approach to women and crime is not restricted to witchcraft. Other research shows that the number of women convicted of serious crimes such as infanticide and petty-treason, i.e. in a woman's case, husband murder, is considerably less than the literature of the period suggests. In her study of later Elizabethan Hertfordshire, Carol Z. Wiener, for example, finds that the number of women accused of assault and murder was very small.<sup>59</sup> Sharpe's analysis of Stuart Essex also reveals similar trends.<sup>60</sup> Women such as Alice Arden, Ulalia Page, Anne Hamton, and Mistress Sanders appear, therefore, to have been more the exception than the rule, once again reinforcing the noted disparity between early modern facts and fictions of crime and criminals.<sup>61</sup>

Rather than serious crime, petty crime appears to define the vast majority of female crime in this period: specifically, the crimes of petty theft, scolding and slander. This is reflected in the unique collection of essays, *Women, Crime and the Courts*.<sup>62</sup> Petty theft, scolding and slander are the topics of three of the five essays that engage with early modern female crime.<sup>63</sup> In addition to offering an important corrective to the types of crime that early modern women were likely to commit, such research indicates the degree of women's agency in this context. Lawrence Stone's view, for example, that the engagement of women in crime was 'minimal' and that by and large 'married and unmarried women were as submissive and as dependent as the conduct books suggested that they ought to be' has been shown to be erroneous.<sup>64</sup> Throughout the following discussion though, an important fact must be remembered. Even though women were much

<sup>59</sup> Carol Z. Wiener, 'Sex-roles and Crime in Late Elizabethan Hertfordshire', *Journal of Social History*, 8 (1975) 38-60.

<sup>60</sup> J. A. Sharpe, *Crime in Seventeenth-Century England: A County Study*, Past and Present Publications (Cambridge: Cambridge University Press; Paris: Editions de la Maison des Sciences de l'Homme, 1983).

<sup>61</sup> Respectively: Anon., *The Lamentable And True Tragedie Of M. Arden Of Feversham* (London, 1592); Thomas Deloney, *The Lamentation of Master Pages Wife of Plimmouth* (London, 1635), in *Roxburghe*, ed. by Chappell and Ebsworth, I.1.182; Anon., *The Sorrowfull complaint of Mistris Page* ([London?], [c. 1635?]), in *Roxburghe*, ed. by Chappell and Ebsworth, I.1.183; Anon., *Murther, Murther* (London, 1641); Arthur Golding, *A brief discourse of the late murther of master George Sanders* (London, 1577); Anon., *A Warning for Faire Women* (London, 1599).

<sup>62</sup> Kermode and Walker, eds, *Women, Crime and the Courts*. I refer to this collection of essays as unique since it is the only collection I have found that deals exclusively with various questions of women's engagement with the law and the courts as plaintiffs and defendants in the period.

<sup>63</sup> Perhaps somewhat predictably, the other two essays that engage with female crime deal with witchcraft.

<sup>64</sup> Stone, *Family, Sex and Marriage*, p. 141.

more likely to commit petty, rather than serious, crime and appear to demonstrate agency in doing so, the actual numbers of women that we are dealing with are relatively small.

Garthine Walker argues that the records show that petty theft was one crime that women frequently committed.<sup>65</sup> Petty theft, or petty larceny, constituted the theft of goods valued at under a shilling. Walker notes that while there is less of a discrepancy between the value of the goods that men and women stole than would be expected, there is a difference in what women stole. These women appear to have dealt with particular types of goods whose value they recognised and whose markets they knew. The records also reveal that women were not necessarily, or always, solitary offenders. Nor were women simply accomplices or accessories to the more dominant male criminals. Instead, women appear to have co-operated with each other and even excluded men from their criminal proceedings.

Martin Ingram has examined another, apparently prominent, area of criminal female behaviour in the period: scolding.<sup>66</sup> Ingram's main concern is to question David E. Underdown's assertion that scolding represented a crisis in early modern gender relations.<sup>67</sup> Nevertheless, Ingram provides some interesting insights into this crime. Although scolding was an almost exclusively female crime, it was not simply equated with loud vociferous female speech that threatened the patriarchy.<sup>68</sup> Rather, scolding was used as a blanket term to refer to a wide range of considerable, and usually sustained, socially disruptive behaviour, which could entail physical violence. Furthermore, the records show that, as with witchcraft, highly intricate financial or social contentions, possibly involving several people, lay behind accusations of scolding. The records also show that it was quite common for the local community, clergyman and even JP

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<sup>65</sup> Walker, 'Women, Theft and the World of Stolen Goods'.

<sup>66</sup> Ingram, "Scolding Women".

<sup>67</sup> See David E. Underdown, 'The Taming of the Scold: the Enforcement of Patriarchal Authority in Early Modern England,' in *Order and Disorder in Early Modern England*, ed. by Anthony Fletcher and John Stevenson (Cambridge: Cambridge University Press, 1985), pp. 116-36. For similar assessments to Ingram's on scolding as indicative of a crisis in early modern gender relations, see Amussen, *Ordered Society* and Anthony Fletcher, *Gender, Sex and Subordination in England 1500-1800* (New Haven and London: Yale University Press, 1995).

<sup>68</sup> As Ingram notes, '[t]he term [scold] could apply to either sex, but from the fourteenth century it was characteristically used of women, and by about 1700 had become virtually exclusive to them' (Ingram, "Scolding Women", p. 51). Similar behaviour in men was more usually described as 'disturbing the King's [or Queen's] peace'.

to attempt to resolve such contentions and stop the woman in question from scolding. The court emerges, in many cases, as the last resort.

The third most common crime that women appear to have engaged in is slander. As Laura Gowing has shown, this crime is also complex.<sup>69</sup> Like scolding, while the criminal behaviour that slander denotes is not exclusively female, slander is a crime closely associated with women. However, unlike the case with scolding, where men would usually accuse women, in cases of slander, women would accuse other women. Slander employed the language of sexual insult to discredit a woman's sexual morality and behaviour. The terms most frequently used were 'whore' and 'bawd', although the records evidence a host of colourful and imaginative alternatives. Such language, however, was not used solely to discredit a woman's sexual honour publicly, but also her housekeeping, social and even economic reputation. If women did not take retaliatory action to such accusations, whether publicly in their local communities or in the courts, the accusations became actualities that were publicly credited. Gowing's work shows that slander and defamation cases gave women access to the courts to dispute their grievances with other women; disputes in which slander was sometimes secondary.

Another area relating to female criminals which has been recently revised by historians is the frequency with which female criminals were corporeally judicially punished. Accounts portraying female criminals as having been subjected to cruel and demeaning physical punishment, such as those by E. J. Burford, Sandra Shulman and Camille Naish, are not supported by the court records.<sup>70</sup> Sharpe, for example, notes that 'despite their familiarity in antiquarian works or books of popular history', punishments such as the branks 'are difficult to trace in legal records'.<sup>71</sup> Similarly, David Underdown's archival research suggests that while the cucking stool was certainly an acknowledged mode of corporal punishment, references to the stool in the records are much more likely to note its disrepair or absence than instances of its judicial employment.<sup>72</sup> Indeed, as Sharon Jansen illustrates, even in the case of the serious crime of

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<sup>69</sup> Gowing, 'Language, Power, and the Law', and *Domestic Dangers*.

<sup>70</sup> Respectively: Burford and Shulman, *Bridles and Burnings*, and Camille Naish, *Death Comes to the Maiden: Sex and Execution 1431-1933* (London and New York: Routledge, 1991).

<sup>71</sup> Sharpe, *Judicial Punishment*, p. 19.

<sup>72</sup> Underdown, 'Taming of the Scold'.

treason, the historical evidence suggests that while a few women were made examples of, there is no perceptible trend of systematically subjecting female traitors to the fullest extent of judicial punishment.<sup>73</sup>

In this way, recent historiography on women and crime supports the broader consensus among historians about early modern English crime and criminals as well as demonstrating the complexity of female crime and the nature of female criminals in the period. More generally, studies of women and crime reveal the disparity between the historical facts and the literary fictions. Such studies also demonstrate the importance of attending to the historicity of early modern crime and criminals as well as the complex webs of social relationships that lie behind criminal accusations. Furthermore, such studies provide an important corrective to our views on the frequency with which physical judicial punishments were employed. More specifically, studies of women and crime reveal that women were much more likely to commit petty crimes, such as scolding, slandering and petty theft, rather than serious crimes like witchcraft and murder. And, finally, female criminals are emerging as having possessed considerable agency.

In keeping with the growing dialogue between historical and literary studies, the increasing amount of revisionist historical work on female crime and crimes in early modern England has been employed by contemporary literary critics.<sup>74</sup> One reason for this, as implied by Martin Ingram, is that recent

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<sup>73</sup> Sharon L. Jansen, *Dangerous Talk and Strange Behaviour: Women and Popular Resistance to the Reforms of Henry VIII* (Hampshire: Macmillan Press Ltd., 1996).

<sup>74</sup> This is not to say that the influence of such revisionist historical research on early modern crime, criminals and the law has been restricted to representations of female criminals in literary criticism. Such historical work has also influenced those interested in male writers and the construction of male subjectivity. The drama of the period has attracted considerable critical attention, particularly the works of Shakespeare. See, for example, Theodore Meron, *Bloody Constraint: War and Chivalry in Shakespeare* (New York: Oxford University Press Inc., 1998; repr. 2001); Daniel J. Kornstein, *Kill All the Lawyers? Shakespeare's Legal Appeal* (Princeton, New Jersey: Princeton University Press, 1994); Victoria M. Time, *Shakespeare's Criminals: Criminology, Fiction and Drama*, Contributions in Criminology and Penology, 52 (Westport, Connecticut; London: Greenwood Press, 1999). Another area of early modern writing that has been examined in this context is early modern English prose fiction, from the lengthy romances to the rogue literature. See, for example, R. W. Maslen, *Elizabethan Fictions: Espionage, Counter Espionage and the Duplicity of Fiction in Early Elizabethan Prose Narratives*, Oxford English Monographs, ed. by Christopher Butler, and others (Oxford: Clarendon Press; New York: Oxford University Press, Inc. 1997); Peter Goodrich, *Law in the Courts of Love: Literature and Other Minor Jurisprudences*, The Politics of Language, ed. by Tony Crowley and Talbot T. Taylor (London and New York: Routledge, 1996); Kathleen Poires, 'The Intersection of Poor Laws and Literature in the Sixteenth Century: Fictional and Factual Categories', in *Framing Elizabethan Fictions: Contemporary Approaches to Early Modern Narrative Prose*, ed. by

historical research contributes to our understanding of the complexity of gender relations in the period as a whole.<sup>75</sup> Such historical work also suggests the need to re-visit the ways in which the discourse of gender functioned on the microcosmic level of personal engagement. As the following examples will demonstrate, this revised approach to early modern gender has proved important for literary critics in their engagements with representations of female criminals and re-constructions of criminal female subjectivity in the literature of the period.

In *Dangerous Familiars*, Frances E. Dolan examines early modern English 'representations [of mostly female criminals] in popular literature', such as Henry Goodcole's pamphlets and plays such as *The Tragedie of Arden of Faversham* and *Othello*, 'and in legal theory', focusing on serious crimes committed in the domestic sphere: petty treason (the murder of a husband and or master), homicide (specifically wife-murder), infanticide, and witchcraft.<sup>76</sup> Dolan explores the constructions of criminal female subjectivity in such literature, arguing that it is constructed in terms of 'agency – words and deeds in the world and accountability for them – and as self-awareness' before, during and after the perpetration of a crime.<sup>77</sup> Additionally for Dolan, such representations are important because social and discursive changes, particularly those relating to gender, can be traced through them. Because of the fluidity between private and public spheres, in depicting actual disruptions in the domestic sphere and bearing

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Constance C. Relihan (Kent, Ohio and London, England: The Kent State University Press, 1996), pp. 17-40.

<sup>75</sup> See Ingram, "Scolding Women".

<sup>76</sup> Frances E. Dolan, *Dangerous Familiars: Representations of Domestic Crime in England, 1550-1700* (Ithaca and London: Cornell University Press, 1994), p. 29.

<sup>77</sup> Ibid., p. 57. Dolan argues that the textual status of such popular literature should be regarded as unique in the ways in which it grants agency to criminal female subjectivity. It should not be seen as the inferior antecedent to the novel; rather, such popular literature should be critically engaged with as a distinct, specifically early modern, form of writing. Indeed, notes Dolan, such criminal female subjectivities are afforded more agency than their later counterparts in the novels of the seventeenth and eighteenth centuries (see *ibid.*, pp. 237-45). Such a view offers an important counter-argument to the general critical literary consensus regarding the subsidiary role and status of early modern popular literature to the development of the novel exemplified by critics such as Constance C. Relihan in *Fashioning Authority: The Development of Elizabethan Novelistic Discourse* (Kent, Ohio: The Kent State University Press; London, England: The Kent State University Press, 1994) and Paul Salzman in *English Prose Fiction 1558-1700: A Critical History* (Oxford: Clarendon Press, 1985, repr. 1986). Dolan's arguments also provide a corrective to the view that 'criminal biographies' emerge in the mid- to late seventeenth century as suggested by critics such as Lincoln B. Faller in *Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth and Early Eighteenth-Century England* (Cambridge: Cambridge University Press, 1987) and Rosamaria Loretelli and Roberto De Romanis in *Narrating Transgression: Representations of the Criminal in Early Modern England*, ed. by Rosamaria Loretelli and Roberto De Romanis, *Anglo-American Studies*, Band 11 (Frankfurt am Main: Peter Land, 1999).

out contemporary fears surrounding criminal women, these literary texts both articulate and contribute to wider attitudes and 'cultural practices' in the period.<sup>78</sup>

Dolan's views on the importance of representations of criminal women in literature are shared by Joy Wiltenburg. In *Disorderly Women*, Wiltenburg complements Dolan's study by comparing representations of petty female criminals, such as scolds, husband-beaters and slanderers, in early modern English and German ephemera.<sup>79</sup> Like Dolan, Wiltenburg is concerned with what such representations of non-conformist, criminal women reveal about gender norms in the period. Such representations, argues Wiltenburg, are complex. Such popular representations illustrate how 'women and gender relations' are 'conceptualiz[ed]', and constitute one way of attempting to enforce cultural norms.<sup>80</sup> At the same time, by depicting deviant criminal women, these literary representations articulate many cultural anxieties surrounding women, gender norms and gender relations. Most importantly for Wiltenburg, she finds, like Dolan that criminal women are frequently constructed as 'powerful and subversive' agents in both English and German literature.<sup>81</sup> This leads Wiltenburg to suggest with Natalie Zemon Davis that such literary representations might have enabled early modern women to re-think and even actively re-negotiate their positions in relation to contemporary gender norms.<sup>82</sup>

Not all critics share the view that crime empowers female subjectivity in literary texts, however. In her essay on *Othello*, Lisa Jardine, for example, argues that when Desdemona is seen in the context of slander and defamation cases, Desdemona is a victim.<sup>83</sup> Drawing on cases of sexual slander in ecclesiastical

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<sup>78</sup> Dolan, *Dangerous Familiars*, p. 3.

<sup>79</sup> Joy Wiltenburg, *Disorderly Women and Female Power in the Street Literature of Early Modern England and Germany* (Charlottesville and London: The University Press of Virginia, 1992). Although Wiltenburg addresses questions of women and serious crime in chapter nine of her study, serious crimes represent only a part of her investigations. See 'Chapter 9: Women and Crime: A Return to the Family', in *ibid.*, pp. 209-50.

<sup>80</sup> *Ibid.*, p. 20.

<sup>81</sup> *Ibid.*, p. 7.

<sup>82</sup> See Natalie Zemon Davis, 'Women on Top', in *Feminism and Renaissance Studies*, ed. by Lorna Hutson, Oxford Readings in Feminism (Oxford: Oxford University Press, 1999), pp. 156-85.

<sup>83</sup> Lisa Jardine, "'Why Should He Call Her Whore?': Defamation and Desdemona's Case", in Lisa Jardine, *Reading Shakespeare Historically* (London and New York: Routledge, 1996), pp. 19-34. Jardine draws considerably on Laura Gowing's recent work on women, slander and defamation. For another essay that brings recent historical research on crime, specifically methods of punishment, to bear on *Othello*, see Michael D. Bristol, 'Charivari and the Comedy of Abjection in *Othello*', in *True Rites and Maimed Rites: Ritual and Anti-Ritual in Shakespeare*

court records, Jardine argues that the public suggestion of Desdemona's sexual immorality represents a social event that would have possessed legal implications for the audience. To redeem her reputation and establish her innocence, Desdemona needs to launch a public counter-suit to the slander. Desdemona, however, does not. Here, Jardine implicitly argues that gender norms are responsible for Desdemona's inactivity; as an aristocratic woman, states Jardine, Desdemona is neither aware of her need to respond to the slander nor of the means by which to do so.<sup>84</sup> Nevertheless, according to the logic of slander, both social and legal, a woman's inactivity in this context results in the charge becoming an "actuality".<sup>85</sup> Desdemona becomes, therefore, a sexually immoral woman; she is constructed as a whore by those around her and the audience and she is identified as a criminal to be brought before an ecclesiastical court. Consequently, for Jardine, despite Desdemona's innocence, her social position and its associated gender norms disempower her when she is placed in the context of crime since she cannot counter her construction as a criminal.

The above critical studies represent some wider trends in contemporary literary criticism. First, they illustrate the influence of recent historical accounts of early modern female crimes and criminals on literary studies. Critics are no longer restricting themselves to the traditional female crime of witchcraft, but are now looking at other serious crimes such as petty treason and infanticide as well as petty crimes such as scolding and slander. Secondly, these studies show that explorations of female criminal subjectivity have resulted in critics exploring a wider spectrum of literary texts in their interrogations as well as re-visiting canonical literary works from new perspectives. Thirdly, these studies exemplify the divide in critical opinion over the extent to which female criminals are granted agency in literary texts. And, finally, these studies point to the

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*and His Age*, ed. by Linda Woodbridge and Edward Berry (Urbana and Chicago: University of Illinois Press, 1992), pp. 75-97.

<sup>84</sup> Jardine, "Why Should He Call Her Whore?", pp. 30-31. I find Jardine's assertion here problematic. Although gentlewomen did not, as Laura Gowing notes, engage in defamation suits in the courts (see Gowing, 'Language, Power and the Law', p. 28), their reputations were as important for them as the reputations of women of the lower classes. Furthermore, there are examples of various strategies adopted by aristocratic women or their families by which to engage with slander. One instance of this can be seen in Lady Mary Wroth enlisting the support of several prominent male members of the aristocracy, such as the Duke of Buckingham, in her response to Lord Edward Denny's slanderous accusations in 1621/2.

<sup>85</sup> Jardine, "Why Should He Call Her Whore?", p. 26.



contributions that can be made to our understanding of early modern gender norms in the period by attending to criminal women.

As significant as such literary scholarship is, however, it is characterised by several problematic underlying trends. First, critical studies focus predominantly, if not exclusively, on male-written representations of criminal female subjectivity in the literature of the period, whether popular or canonical. Literary scholars have yet to examine how early modern female criminals construct their own subjectivities, or, how early modern women writers construct criminal female subjectivity in their texts. Secondly, scholars of literary representations of criminal female subjectivity avoid engaging with the fact that such women had broken the law and were seen by their contemporaries and the authorities as criminals. Instead, scholars view criminal female subjectivity as either subversive or victimised. By extension, such scholars do not explore the implications of a woman's criminal status on the construction of her subjectivity. Finally, contemporary critics do not engage with the role of the body in constructions of criminal female subjectivity in sixteenth- and seventeenth-century literature. In such critical accounts, the female body is viewed as a signifier of gender, not as part of the process of constructing subjectivity. This is because the primary category of critical inquiry into such literary representations is gender. Critics identify criminal female subjectivity as emerging in the commission of crimes such as scolding and murdering; female actions subversive to gender norms.

In this section, I have examined some of the most important historical revisions of our understanding of early modern women and crime as well as their influence on critical engagements with constructions of criminal female subjectivity in the literature of the period. As I have just shown, however, two areas remain unexplored in current literary studies: the examination of early modern women writers and their texts from the perspective of crime, and the examination of the role of the body in literary constructions of criminal female subjectivity. In the final section of this chapter, I will suggest possible reasons why these two areas have not been critically addressed. I will also suggest that, in order to do so, we need to re-think some of our current critical approaches to the literature of the period.

### *1.3. Re-viewing Female Criminals*

I would like to suggest here that there are several possible reasons for the current lack of critical engagement in two areas: the examination of early modern women writers and their texts from the perspective of crime, and the examination of the role of the body in the construction of criminal female subjectivity. As I will attempt to show, these derive partly from the influence of recent historical research on literary scholars and partly from current critical trends within early modern women's studies. Finally, I will suggest that these two areas become available to us if we re-think some of our critical approaches.

One reason for the neglect of crime and female criminality in texts by women is that a large number of early modern women writers were aristocratic. Recent historical work does not claim that aristocratic women could not be charged with being criminals; however, it does demonstrate that their treatment by society differed greatly from their less privileged counterparts. As Sarah Mendelson and Patricia Crawford note, '[g]entlewomen were at little risk from punishment as scolds, whores, and witches, though their behaviour might be stigmatized as garrulous, promiscuous, or dangerous'.<sup>86</sup> Similarly, Laura Gowing has noted that aristocratic women did not bring defamation suits against one another in the courts.<sup>87</sup> Apart from a few sensational cases such as Frances Howard, Countess of Somerset's trial for the murder of Sir Thomas Overbury, the crimes of the female aristocracy are still relatively obscured from historical view. Consequently, recent historical work does not challenge the current lack of engagement with early modern women writers and their texts from the perspective of crime within literary criticism.

A more compelling reason for the exclusion of women writers from discussions of early modern female crimes and criminals is, however, an underlying tendency in literary criticism itself. This tendency views women

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<sup>86</sup> Sara Mendelson and Patricia Crawford, *Women in Early Modern England 1550-1720* (Oxford: Clarendon Press; New York: Oxford University Press, 1998), p. 66. Such a view is supported by primary evidence. In one of his letters, John Chamberlain, for example, comments on the palpable difference in the treatment of aristocratic female criminals: '[...] October 24, 1605: Yesterday, a goldsmith in Cheapside was fined in the Star Chamber for arresting the Countess of Rutland upon an execution, and it was thoroughly argued how far noblemen and women are privileged in their persons from arrests' (*Letters*, ed. by Thomson, p. 36).

<sup>87</sup> Gowing, 'Language, Power and the Law', p. 28.

writers as 'Women Worthies' or 'good women'.<sup>88</sup> Natalie Zemon Davis, Elaine Hobby, Margaret Ezell and Jonathan Goldberg have all commented on and criticised this trend, albeit in slightly different ways.<sup>89</sup> As Jonathan Goldberg surmises, '[...] the prevailing trend has been tantamount to the recovery of morally pure, suffering subjects whose goodness is legible in the [critics' own] terms'.<sup>90</sup> This sanitising view effectively precludes any critical recognition of these women's criminal behaviour and, therefore, of critical engagement with their texts from the perspective of crime. Indeed, as we have already seen, literary critics demonstrate a reluctance to acknowledge the illegal behaviour of even lower class women. Such women are deemed either victimised or subversive, but never criminals.<sup>91</sup>

I would like to suggest here that we need a change in critical approach. We need to move away from the 'good women' approach and recognise that a considerable number of women writers were viewed by their contemporaries as criminals. We also need to recognise that such women writers were largely accused of the serious crimes of heresy, treason or both, rather than the serious crimes of witchcraft, infanticide and petty treason, or the petty crimes of slander, husband-beating and scolding.

Many women writers were accused of and charged with heresy, such as Anne Askew, Anna Trapnel, Priscilla Cotton, Mary Cole and Katherine Evans. Similarly, many other female writers were accused of and charged with treason, such as Lady Jane Grey, Mary, Queen of Scots, Lady Arabella Stuart, Mary Overton, Lady Eleanor Douglas (née Touchet, later Davies), and Elizabeth Cellier. All of these women either produced texts while they were judicially confined, or, subsequently produced texts that detail their subjection to judicial process and their experiences of being seen and treated as criminals. At the same

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<sup>88</sup> Jonathan Goldberg, *Desiring Women Writing: English Renaissance Examples* (Stanford, California: Stanford University Press, 1997), p. 5.

<sup>89</sup> Respectively: Natalie Zemon Davis, "'Women's History' in Transition: The European Case", *Feminist Studies*, 3 (1976), 83-103; Elaine Hobby, *Virtue of Necessity: English Women's Writing 1646-1688* (London: Virago Press Limited, 1988); Margaret J. M. Ezell, *Writing Women's Literary History* (Baltimore and London: The Johns Hopkins University Press, 1996); Goldberg, *Desiring Women*.

<sup>90</sup> *Ibid.*, p. 5.

<sup>91</sup> This prevailing critical resistance to recognising early modern women writers as criminals is a positivist form of the *ad feminam* argument. In order to vindicate these women as writers and subjects, critics first need to vindicate them as women. However, whether employed in its positive or negative form, the *ad feminam* argument is reductive.

time, other women become more visible as writers once they are viewed from the perspective of crime. Women recorded their experiences of various forms of state-sanctioned confinement in their letters, such as Lady Margaret Pole, the Countess of Salisbury, Queen Katherine of Aragon, Queen Anne Boleyn, Queen Katherine Howard, Princess Mary Tudor, Lady Katherine Grey, and Lady Margaret Howard (later Lennox).

As this brief survey shows, a considerable number of women writers were seen and treated as criminals by their contemporaries and these women produced texts directly related to these experiences. There are, I believe, several advantages in recognising this. First, it broadens the traditional category of literature of crime in the period from solely texts about criminals to include texts by criminals. Secondly, it broadens the types of texts examined in relation to early modern crime from popular literature and drama to include other types of texts such as letters and poems. Thirdly, it provides us with an additional avenue of critical engagement with writings by women. It enables us to trace the ways in which such women construct themselves in relation to early modern law and the legal process as well as contemporary notions of criminality. Most significantly of all, perhaps, this approach provides us with texts that are produced within a context which foregrounds questions of physicality: textual production in physical confinement and the impact of physical confinement on the construction of early modern female criminal subjectivity.

In a parallel move, we also need to re-visit early modern women's writing to identify how women writers, who were not accused of and charged with crimes, engage with questions of female criminality. Lady Elizabeth Cary, for example, includes Salome, an adulterous and murderous wife, in her closet drama, *The Tragedy of Mariam*. In *The Lady Falkland. Her Life*, one of Lady Elizabeth Cary's daughters later provides an interesting account of the young Cary's intervention in a witchcraft case which saved the life of an accused female witch.<sup>92</sup> Alternatively, both parts of Lady Mary Wroth's prose fiction, the *Urania*, portray a wide variety of female criminals.<sup>93</sup>

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<sup>92</sup> *Lady Falkland. Her Life*, ed. by Wolfe, pp. 106-07.

<sup>93</sup> Respectively: Wroth, *Urania*, ed. by Josephine A. Roberts, and Lady Mary Wroth, *The Second Part of the Countess of Montgomery's Urania*, ed. by Josephine A. Roberts and completed by Suzanne Gossett and Janel Mueller, Renaissance English Text Society, 7th s., vol. XXIV (for

Once again, this suggests that extant works by early modern English women lend themselves to explorations of the construction of criminal female subjectivity. The survey also suggests that such explorations are not restricted to a particular literary genre; they can be carried out in relation to drama, biography and prose fiction. As in the case of women writers who experienced judicial processes though, we must first change our approach to female-written texts and the questions that we ask of them before we can investigate how early modern women write female criminals.<sup>94</sup>

The second area this thesis investigates that has not received critical attention is the role of the body in the construction of early modern criminal female subjectivity. Again, I believe that the influence of the findings of recent historical research on literary studies and one particular current critical trend in literary studies are partly responsible. This omission of the female body from critical discussions may partly derive from the historical re-assessment of the frequency with which women were judicially corporally punished.<sup>95</sup> The apparent lack of historical visibility of the female body may have suggested its relative unimportance to literary critics and their projects. Paradoxically, this critical attitude is apparent even in studies of the early modern instance where the criminal female body is central: the female body on the scaffold.<sup>96</sup>

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1999), *Medieval and Renaissance Texts and Studies*, vol. 211 (Tempe, Arizona: Renaissance English Text Society; Arizona Center for Medieval and Renaissance Studies, 1999).

<sup>94</sup> I would argue further here that two similar shifts in relation to early modern English male-written texts would open up other areas for literary criticism that have yet to be engaged with. Such a project, however, lies beyond the scope of this thesis.

<sup>95</sup> See, for example, Sharpe, *Judicial Punishment*; Underdown, 'Taming of the Scold'; Ingram, "Scolding Women".

<sup>96</sup> Unlike the female body on the scaffold, the male body on the scaffold has attracted considerable commentary by literary critics. This interest partly derives from the amount of historical attention paid to early modern executions. It can also be seen to derive from the now well-established analogy between the scaffold and the stage. Both historians and literary critics have drawn attention to, and explored, this analogy. In *Judicial Punishment*, p. 35, Sharpe compares the early modern scaffold to a theatre of punishment; a view that is shared by Dülmen in *Theatre of Horror*. On the other hand, in *Crime and Punishment*, p. 25, Weisser, compares the court and courtroom proceedings to a theatre. For examples of the employment of the analogy by literary critics, see Leonard Tennenhouse, 'The Theatre of Punishment: Jacobean tragedy and the Politics of Misogyny', in Leonard Tennenhouse, *Power on Display: The Politics of Shakespeare's Genres* (New York: Methuen Inc.; London: Methuen and Co. Ltd., 1986), pp. 102-46; Steven Mullaney, *The Place of the Stage: Licence, Play and Power in Renaissance England* (Ann Arbor: The University of Michigan Press, 1988); Katharine Eisaman Maus, *Inwardness and the Theater [sic] in the English Renaissance* (Chicago: The University of Chicago Press; London: The University of Chicago Press, Ltd., 1995). Alternatively, in *Imaginary Betrayals*, Karen Cunningham points to the disparity between the possible outcomes of staged trials in the theatre and actual trials in the courtroom. In the former, the accused does not die, while in the latter, he or she could do so. See Karen Cunningham, *Imaginary Betrayals: Subjectivity and the*

Three of the most prominent critics who engage with this phenomenon are Catherine Belsey, Karen Newman and Frances Dolan, and as I will try to demonstrate, the female body on the scaffold gradually disappears from view in their critical accounts. In her seminal work, *The Subject of Tragedy*, Catherine Belsey argues that scaffold speeches provide criminal women with an unprecedented agency since the scaffold allows them a public space in which to construct and articulate their subjectivity.<sup>97</sup> For Belsey, female subjectivity is enabled primarily through female speech; an act which she understands in terms of a woman deviating from the gender norm of female silence. In this way, Belsey identifies the emergence of criminal female subjectivity on the scaffold, and reconstructs it, in terms of deviance from gender norms. However, although the female body on the scaffold is an implicit part of Belsey's account, Belsey does not directly address the significance of the female body on the scaffold to either the criminal woman or her audience.

Focusing on witches and witchcraft, Karen Newman takes issue with Belsey's argument.<sup>98</sup> Newman argues that female subjectivity on the scaffold is not achieved through female speech; it is only achieved through the male practice of recording female speech. However, by focusing on female speech and its mediation through male-written texts, Newman moves away from the material significance of the female body on the scaffold to constructions of criminal female subjectivity. Indeed, her analysis leads her to exclude the body altogether and to construct witches solely in terms of their deviance from gender norms. 'Witches threatened hegemonic patriarchal structures precisely not through their bodies but through their representational powers: as cultural producers, as spectacle, as *representatives* [...] of an oppositional "femininity"'.<sup>99</sup>

Most recently, Frances Dolan has suggested that while early modern women can be seen to achieve subjectivity on the scaffold through male-authored

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*Discourses of Treason in Early Modern England* (Philadelphia: University of Pennsylvania Press, 2002), p. 6.

<sup>97</sup> Catherine Belsey, *The Subject of Tragedy: Identity and Difference in Renaissance Drama* (London and New York: Methuen, 1985), pp. 188-91.

<sup>98</sup> Karen Newman, 'Discovering Witches: Sorciographics', in Karen Newman, *Fashioning Femininity and English Renaissance Drama*, *Woman in Culture and Society*, ed. by Catherine R. Stimpson (Chicago: The University of Chicago Press; London: The University of Chicago Press Ltd., 1991), pp. 51-70.

<sup>99</sup> *Ibid.*, p. 69.

texts, the female subjectivity that emerges is disembodied.<sup>100</sup> For, although such male-written texts grant female subjectivity through the relation of female speech, such texts simultaneously excise the spectacle of the tortured, dismembered body from their accounts.<sup>101</sup> Such excision, argues Dolan, is a necessary condition for representing female subjectivity on the scaffold and is brought about through negotiating the tensions between the attainment of subjectivity through speech and the injunction that women should be silent. In order for women to attain the status of subject by ensuring that their words are recorded by men, women must “first erase and then assert themselves as authoritative agents”.<sup>102</sup> Women do this by ‘effac[ing]’ the material experiences of their bodies on the scaffold, and then re-inserting their speech as transcendent.<sup>103</sup>

In the above accounts, none of the critics engages with the female body of the criminal, even though they re-construct criminal female subjectivity in a context that highlights physicality. Instead, the critical emphasis is placed increasingly on the voice. And, by the time we arrive at Dolan’s analysis, female criminal subjectivity on the scaffold must be disembodied.

Perhaps the most influential reason for the lack of critical engagement with the criminal female body is the widespread critical employment of gender as the primary category within which to think about early modern criminal female subjectivity. I am not claiming here that gender is neither a useful nor an important category for critical analysis. Gender has already been shown to be a useful and important category in central studies of early modern women that are unconcerned with crime.<sup>104</sup> And, as we have seen in Dolan and Wiltenburg’s

<sup>100</sup> Frances E. Dolan, “Gentlemen, I Have One Thing More to Say”: Women on Scaffolds in England, 1563-1680’, *Modern Philology*, 92 (1994), 157-78.

<sup>101</sup> Like she does in *Dangerous Familiars*, in this article, Dolan takes gender as her central category of analysis. See Dolan, “Gentlemen,” pp. 157-58.

<sup>102</sup> Mary Beth Rose as cited in *ibid.*, p. 159.

<sup>103</sup> Dolan, “Gentlemen,” p. 159.

<sup>104</sup> See, for example, Suzanne W. Hull, *Chaste, Silent and Obedient: English Books for Women, 1475-1640* (San Marino: The Huntington Library, 1982); Katherine Usher Henderson and Barbara F. McManus, *Half Humankind: Contexts and Texts of the Controversy about Women in England, 1540-1640* (Urbana and Chicago: University of Illinois Press, 1985); Linda Woodbridge, *Women and the English Renaissance: Literature and the Nature of Womanhood 1540-1620* (Sussex: The Harvester Press, 1984). Generally speaking, gender in such critical accounts refers to the early modern constructs of the ideal woman and ideal female or feminine behaviour that draw on various discourses such as the religious, political, social, legal and the medical. And, it is in relation to and against such constructs that critics identify and re-construct early modern female criminal subjectivity.

studies, approaching sixteenth- and seventeenth-century literary representations of criminal female subjectivity from the perspective of gender is productive. But, we have also seen that such accounts do not address the question of the body of the female criminal. Indeed, even in critical accounts of female subjectivity on the scaffold in literary texts, the employment of gender as the primary category of interrogation apparently obscures the female body or excises it altogether from the account.

I would like to suggest here that we need a change in theoretical approach. If we are to engage with the body of the female criminal, we need to move away from theories of subjectivity that take gender as their primary category. Instead, we need an alternative theory of subjectivity that recognises the body as part of the process of constructing subjectivity and which allows us to talk about both without essentializing or reducing either. As I will attempt to demonstrate in the following chapter, I believe that Toril Moi provides one such alternative theory of subjectivity in her recent revisionist exposition of Simone De Beauvoir's *The Second Sex*, in her collection of essays, *What Is A Woman?*<sup>105</sup>

#### ***1.4. Conclusion***

In this chapter, I have indicated the ways in which this thesis departs from recent literary criticism. I have demonstrated that the two areas that constitute the focal point of this thesis have not yet received critical attention; viewing early modern women writers and their texts from the perspective of crime, and the role of the body in the construction of early modern female criminal subjectivity. I have suggested that this continuing lack of critical engagement is the result of the influence of recent historical work on literary scholarship as well as current critical trends in literary scholarship itself. I have also suggested several shifts in critical perspective are required to engage with the concerns of this thesis. We need to move away from the tradition of 'good women' writers and see women writers in the context of crime. We also need to examine women's texts for their

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<sup>105</sup> Moi, 'What Is a Woman?', and "'I Am a Woman'".



engagement with questions of female criminality. And, finally, we need to employ a theory of subjectivity that allows us to engage with the body.

At the same time, in this chapter, I have examined some of the most important recent historical revisions of early modern English crime and criminals, particularly female crime and criminals. As we have seen, there is a disparity between the facts and fictions of crime and criminals. Indeed, many of the traditional assumptions about crime and criminals are erroneous, while crime and criminals in this period are more complex than we might have assumed hitherto. We have also seen that crime is understood in the historically specific terms of illegality, sinfulness and unnaturalness. Additionally, we have seen that criminals are not isolated figures and that local society plays an important role in regulating its members. And, finally, our understanding of the legal proceedings in the period has changed. We now know that there is rationale behind physical punishments which is rooted in the historically different understanding of crime. As I will attempt to demonstrate throughout this thesis, these historical reassessments need to be taken into consideration when approaching early modern women writers and their texts from the perspective of crime. Before doing so, however, we need a more detailed understanding of how the body of the criminal was seen and of its relationship to criminal subjectivity in early modern England, or, as I have termed them, of the criminalized body and criminalized subjectivity.

## CHAPTER II

### THE UNNATURAL, THE SINFUL, AND THE ILLEGAL: CRIMINALIZED BODIES, SUBJECTIVITIES AND A CULTURE OF CRIMINALIZATION

[...] bodies tremulous [...] single-sexed [...] double-natured [...] enclosed [...] intestinal [...] consumed [...] carnivalized [...] effeminized [...] embarrassed [...] sodomized [...] emblazoned or dissected [...] castrated [...] disease-ridden [...], etc.<sup>1</sup>

Almost a decade ago, Keir Elam commented on the emergence of a 'body boom'; an unprecedented critical interest in the early modern body.<sup>2</sup> This interest has continued. Bodies 'discovered', 'tortured', 'interiorised' and 'archived', for example, can now be added to Elam's list.<sup>3</sup> One of the most important outcomes of this critical interest is the increasing engagement with pre-Cartesian models of physicality in the early modern period.<sup>4</sup> Such models do not view the body as a mechanical, subsidiary, passive object or merely as a reflection of an internal rarefied disembodied subjectivity. Instead, these models view the body as an active participant in, if not the determining factor of, the process of constructing subjectivity. These alternative models increasingly challenge scholarly practices of re-constructing the early modern body and subjectivity in post-Cartesian terms. Such models also indicate the importance of attending more closely to the historically specific alterity of the body as well as the impact of this difference on

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<sup>1</sup> Keir Elam, "In What Chapter of His Bosom?": Reading Shakespeare's Bodies', in *Alternative Shakespeares: Volume 2*, ed. by Terence Hawkes, New Accents, ed. by Terence Hawkes (London and New York: Routledge, 1996), pp. 140-63 (p. 144).

<sup>2</sup> Ibid., pp. 142-45. Elam attributes this interest in bodies to a perceptible theoretical move; 'the corporeal turn[...] which has shifted attention [...] from the semantic to the somatic; or rather has insisted on the *priority* of the somatic over the semantic' (ibid., p. 143). However, observes Elam, this prioritisation has not been unproblematic, nor has the somatic been as divorced from semiotics as it might first appear. Indeed, Elam's article is devoted to deciphering the "crypto-semiotic" aspects' (ibid., p. 142) that he identifies in recent criticism that focuses on the body in the works of Shakespeare.

<sup>3</sup> Respectively: Elizabeth Hanson, *Discovering the Subject in Renaissance England*, Cambridge Studies in Renaissance Literature and Culture, ed. by Stephen Orgel, vol. 24 (Cambridge: Cambridge University Press, 1998); Lisa Silverman, *Tortured Subjects: Pain, Truth, and the Body in Early Modern France* (Chicago: The University of Chicago Press; London: The University of Chicago Press Ltd., 2001); Schoenfeldt, *Bodies and Selves*; Alan Stewart, 'The Body Archival: Re-reading the Trial of the Earl of Somerset', in *Body*, ed. by Grantley and Taunton, pp. 65-81.

<sup>4</sup> See, for example, Roper, *Oedipus and the Devil*; David Hillman and Carla Mazzio, 'Introduction: Individual Parts', in *Body in Parts*, ed. by Hillman and Mazzio, pp. xi-xxix; David Hillman, 'Visceral Knowledge: Shakespeare, Skepticism, and the Interior of the Early Modern Body', in ibid., pp. 81-105; Schoenfeldt, *Bodies and Selves*; Healy, *Fictions of Disease*.

subjectivity and culture. In keeping with these recent critical developments, then, I would like to suggest here that there is evidence of another, unexamined, pre-Cartesian model of physicality in the early modern period in England: the criminalized body.

This chapter will attempt to map the early modern English conceptualization of the criminalized body as a body that is understood to be illegal, sinful and unnatural as well as being physically deformed; either because it is visibly deformed in some way or because it is imagined to be so. This understanding suggests a particular relationship between the body and subjectivity in the context of crime; that the criminalized body is the basis for the construction of criminalized subjectivity. This chapter will then explore this relationship and show that the criminalized body represents an alternative model of physicality. Finally, this chapter will argue for the existence of a specific early modern English culture which might be called a culture of criminalization. This claim derives from two factors. The first is the social processes preceding the involvement of the judicial sphere in identifying and constructing bodies and subjectivities as criminal. The second factor is the widespread practice of constructing bodies and subjectivities in terms of illegality, sinfulness, unnaturalness and physical deformity in contexts other than the legal. In this way, this chapter aims to show that the terms 'criminalized' and 'criminalization' are the most historically nuanced terms to refer to such bodies, subjectivities and processes.

Two things should be noted here in relation to my choice of texts throughout this chapter. First, some of the texts I examine may be relatively unknown to the modern reader. However, many of these texts would have been familiar to early modern readers since they went to several editions. Moreover, these texts are explicitly concerned with highlighting the connections among illegality, sinfulness, unnaturalness and physical deformity, as well as identifying the types of bodies and physical behaviour which should be seen as such. Secondly, canonical works of literature are notably absent in the sources I examine. This is because such texts are not primarily concerned with expounding the notions behind, and the processes involved in, the identification and construction of bodies and subjectivities as criminalized. Instead, they tend to assume the familiarity of the reader or audience with such notions and processes.

Before engaging with the early modern English criminalized body, subjectivity and culture of criminalization, however, I will first examine in more detail the theoretical perspective that I employ throughout this thesis. Specifically, I will examine Toril Moi's recent revisionist exposition of Simone De Beauvoir's account of embodied female subjectivity in *The Second Sex*. As I will try to illustrate throughout the rest of this chapter, this critical perspective provides the most constructive framework for engaging with criminalized bodies and re-constructing criminalized subjectivities.

### *II.1. Toril Moi, Simone De Beauvoir, and Embodied Subjectivity*

I have suggested that projects wishing to engage with the body and its contingent relationship to subjectivity in the context of early modern crime need to employ an alternative theoretical model that does not take either sex or gender as its primary analytical category. I have also suggested that such a theoretical model can be found in Toril Moi's recent account of Simone De Beauvoir's formulation of subjectivity in which she re-visits and re-interprets De Beauvoir.<sup>5</sup> In her 'Preface', Moi says that '[De] Beauvoir's understanding of the body [...] provides an alternative to sex and gender thinking' which 'reject[s] biological determinism' and 'provides [...] a strong historically and socially situated understanding of the concrete, material, living and dying body'.<sup>6</sup> For Moi, De Beauvoir's account of female subjectivity engages directly with the body and physical experiences in the process of constructing subjectivity without descending into biological determinism or essentialism. At the same time, Moi sees De Beauvoir's account as avoiding the abstractions that characterise theories of subjectivity premised on distinguishing sex from gender.<sup>7</sup>

This section will try to show how Moi arrives at this conclusion through her re-interpretation of De Beauvoir's formulation of female subjectivity in *The*

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<sup>5</sup> Moi, 'What Is a Woman?', and "I Am a Woman".

<sup>6</sup> Moi, 'Preface', in *What Is A Woman?*, pp. vii-xviii (pp. ix-x).

<sup>7</sup> For a detailed demonstration of how this occurs, see Moi, 'What Is a Woman?', pp.21-59. In particular, Moi focuses on the problems that arise from poststructuralist attempts to deconstruct the distinction between sex and gender. Moi argues persuasively that while the political aims of such projects are commendable, their theoretical contributions are unhelpful for thinking about embodied subjectivity.

*Second Sex*. Accordingly, this section first briefly summarises Moi's understanding of the three main distinctions that De Beauvoir makes when she writes about female subjectivity: 'the body *is* a situation', 'the body [...] *in* a situation'<sup>8</sup> and the body as 'background',<sup>9</sup> as well as the inference that Moi draws from the latter that the body can also be 'foreground'.<sup>10</sup> This section will then examine Moi's interpretation and explanation of each formulation individually, while illustrating the relationships among them.<sup>11</sup> Throughout, it will illustrate how a way of thinking about subjectivity in terms of the body emerges from Moi's re-interpretation of De Beauvoir's work.

According to Moi, De Beauvoir arrives at a theory of embodied subjectivity through distinguishing between the body *as* a situation, the body *in* situations, the body as background and the body as foreground. As she explains, De Beauvoir views the body as the medium through which the individual lives in, and experiences, the world: the body *is* the situation of the individual. This view of the body is clearly different from De Beauvoir's second formulation that the body is always *in* a situation. Moi shows that De Beauvoir identifies the various contexts in which the individual places, or finds, him or herself as the situations *in* which the individual places, or finds, his or her body *as* his or her situation. And, it is through being *in* such situations that the world experiences the individual, his or her body, and his or her subjectivity. Finally, Moi demonstrates that, for De Beauvoir, the body is the background against which the world assesses the individual, his or her subjectivity and actions, and that the emphasis that the world places on the body of the individual will vary depending on the situation *in* which the body is. As Moi notes, however, De Beauvoir argues that for female subjectivity, the body always constitutes the background against which the world assesses a woman, her subjectivity and actions. As we shall see, these three formulations are intimately related in the process of

<sup>8</sup> De Beauvoir as cited in Moi, 'What Is a Woman?', p. 59.

<sup>9</sup> De Beauvoir as cited in Moi, "I Am a Woman", p. 191.

<sup>10</sup> See particularly Moi, "I Am a Woman", pp. 201-02.

<sup>11</sup> For the sake of clarity, I will examine each of these formulations individually. They are, however, inextricably linked. It should also be noted that De Beauvoir draws on both phenomenology and existentialism, particularly the works of Jean-Paul Sartre and Maurice Merleau-Ponty. However, as Moi makes clear, De Beauvoir only appropriates phenomenological and existential concepts that are useful to her project. Moi demonstrates, for example, that while De Beauvoir agrees with Merleau-Ponty's assessment of the body as background, De Beauvoir's understanding of the significance of this for female subjectivity is more highly nuanced. See Moi, "I Am a Woman", pp. 196-97.

constructing subjectivity. We shall also see that De Beauvoir's three formulations are based on her specific understanding of some key concepts: the nature of a human being, 'situation', 'lived experience', and the body. In the following discussion of the three formulations, I will illustrate how Moi interprets De Beauvoir's understanding of these key concepts at the appropriate points.

The first major element in De Beauvoir's thinking about female subjectivity is that 'the body *is* a situation'.<sup>12</sup> Moi shows that De Beauvoir arrives at this formulation through defining 'woman', or '*femme*', and that the cornerstone of De Beauvoir's definition is 'the distinction between *femme* and *femelle*'.<sup>13</sup> As Moi notes, both terms translate into English as 'female'.<sup>14</sup> In French, however, there is a nuanced difference: '*femme*' refers to a female human being while '*femelle*' refers to a female animal. In defining a woman as '*femme*', not '*femelle*', Moi illustrates that De Beauvoir emphasises that a woman is a female human being, not a female animal.<sup>15</sup> Moi reveals that by emphasising this distinction, De Beauvoir stresses two of her central tenets. First, De Beauvoir draws attention to the significance of sex for a woman. For De Beauvoir, a woman's possession of a biologically female-sexed body 'constitute[s] an essential element in her situation'.<sup>16</sup> In other words, a woman's physical biological existence, or her body, is a fundamental and irreducible part of her existence and experiences as a woman. It must be immediately pointed out here that this assertion is neither biologically essentialist nor determinist. As Moi stresses, De Beauvoir denies 'that [the biological facts] establish for [woman] a

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<sup>12</sup> De Beauvoir as cited in Moi, 'What Is a Woman?', p. 59. As I have just noted, viewing the body *as* a situation is very different from referring to the body *in* a situation and should not to be confused. Moi notes that theorists tend to conflate the two categories (*ibid.*, pp. 59-60). To be sure, the body *in* a situation is also prominent in De Beauvoir's thinking about subjectivity. However, De Beauvoir draws an important distinction between the body *as*, and the body *in*, a situation to which I shall return later below.

<sup>13</sup> Moi, 'What Is a Woman?', p. 61.

<sup>14</sup> *Ibid.*

<sup>15</sup> Moi's exposition of this point is not only important for demonstrating the subtleties of De Beauvoir's distinctions, but also for exemplifying the problems with H. M. Parshley's classic translation of *The Second Sex*. See Simone De Beauvoir, *The Second Sex*, trans. and ed. by H. M. Parshley (Jonathan Cape, 1953; repr. Middlesex: Penguin Books, 1974). Moi views the problems of this translation as instrumental in the widespread misunderstandings and recent critical dismissal of De Beauvoir's work and theories. See Moi, 'Preface', pp. vii-viii. For an example of the problems with the Parshley translation, see Moi, 'What Is a Woman?', p. 62, *n.91*.

<sup>16</sup> De Beauvoir as cited in *ibid.*, p. 62.

fixed and inevitable destiny'.<sup>17</sup> Because De Beauvoir asserts that a female-sexed body 'constitute[s] an essential element' of a woman's 'situation',<sup>18</sup> Moi argues that De Beauvoir asserts that 'subjectivity is always embodied' and that a fundamental part of embodied subjectivity is sex.<sup>19</sup> Moi also takes this assertion to indicate that De Beauvoir means that 'our bodies do not only bear the mark of sex'.<sup>20</sup> Bodies also 'bear the mark[s]' of other aspects of our physical existence such as our age, health, illness, race, living conditions, occupation, etc.<sup>21</sup> Moi makes it clear that although De Beauvoir recognises the importance of the fact that a woman's body 'bear[s] the mark of sex', De Beauvoir believes that a woman is, and should be, defined as more than her sexual organs.<sup>22</sup> A woman does not experience the world through her sexual organs and, by the same token, the world does not experience her through them either.

The second tenet that De Beauvoir stresses by stating that a woman is a female human being is that a woman is a human being. Moi demonstrates that this claim is crucial to De Beauvoir's thinking. Citing Merleau-Ponty, De Beauvoir states that human beings are 'not a natural species; [they are] a historical idea'.<sup>23</sup> This means that unlike any other species, human beings are historically situated. Human beings are aware of existing at particular historical moments and view their existence as well as their actions in relation to the temporal concepts of past, present and future. As Moi puts it, as human beings, it is 'our nature to be historical'.<sup>24</sup>

Expanding on this, Moi argues that De Beauvoir views a human being, male or female, as a work in progress; a human being is constantly in the process of becoming. Furthermore, this means for Moi that De Beauvoir understands the process of becoming in existentialist terms; that De Beauvoir thinks of the process of becoming as 'always incarnated' and that it 'always presents itself in

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<sup>17</sup> Ibid. De Beauvoir continues: 'They [i.e. biological facts] are insufficient for setting up a hierarchy of the sexes; they fail to explain why woman is the Other; they do not condemn her to remain in this subordinate role for ever'.

<sup>18</sup> Ibid.

<sup>19</sup> Moi, 'What Is a Woman?', p. 67.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> De Beauvoir as cited in Moi, 'What Is a Woman?', p. 62.

<sup>24</sup> Moi, 'What Is a Woman?', p. 69.

the shape of a human body'.<sup>25</sup> For De Beauvoir, as well as Merleau-Ponty, 'the body [of either sex] is not a thing [or an object], it is a *situation*'.<sup>26</sup> Consequently, Moi states that '[f]or [De] Beauvoir, the body perceived as a situation is deeply related to the individual woman's (or man's) subjectivity'.<sup>27</sup> As Moi expresses it,

My body is a situation, but it is a fundamental kind of situation, in that it founds my experience of myself and the world. This is a situation that always enters my lived experience. This is why the body can never be just brute matter to me.<sup>28</sup>

Since the body *is* the situation of the individual; the physical, historically situated entity through which the individual experiences him or herself and the world around him or her, the body *as* the individual's situation is both that which enables the construction of subjectivity and the place where subjectivity is constructed.

However, the body *as* a situation and the process of constructing subjectivity do not exist in a vacuum; they both necessarily exist in the context of the world. It is here that De Beauvoir's second formulation emerges: the body *in* a situation. The body *as* a situation and the subjectivity of the individual are constantly placed *in* situations, i.e. in widely varying contexts, since they exist in the world. Crucially, as Moi makes clear, although De Beauvoir distinguishes between the body *as*, and the body *in*, a situation, she does not view them as oppositional categories. Moi argues that De Beauvoir's distinction is not one of 'subject/object'.<sup>29</sup> Rather, as Moi illustrates, De Beauvoir's use of the concept of 'situation' is aimed precisely at avoiding the opposition between 'subject' and 'object' since De Beauvoir understands 'situation' as 'an irreducible category between subjectivity and objectivity'.<sup>30</sup> At this point, we need a more detailed understanding of what is meant by 'situation'.<sup>31</sup>

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<sup>25</sup> Ibid., p. 63.

<sup>26</sup> De Beauvoir as cited in Moi, 'What Is a Woman?', p. 62. I shall return to the question of the body as an object in De Beauvoir's thinking below.

<sup>27</sup> Moi, 'What Is a Woman?', pp. 59-60.

<sup>28</sup> Ibid., p. 63.

<sup>29</sup> Ibid., p. 65.

<sup>30</sup> Ibid.

<sup>31</sup> As Moi notes, the 'concept of the *situation*' and its philosophical employment is both complex and lengthy (see *ibid.*). I will only provide a brief exposition of how Moi takes De Beauvoir to understand it here.



Moi demonstrates that De Beauvoir draws on Jean-Paul Sartre to understand the individual's 'situation' as a 'structural relationship between' the individual's 'projects ([...] freedom) and the world (which includes [the individual's] body)'.<sup>32</sup> The 'freedom' of the individual to make choices and his or her desires define his or her projects.<sup>33</sup> However, an individual's projects are not limitless; they are constrained by the world and its facts. Importantly though, the world and its facts are also part of the individual's projects; the world is not exterior to the individual's situation. Moi provides the following example to illustrate this:

If I want to climb a crag, my situation is my project as it exists in the encounter with the brute facticity of the crag. In this view, the crag alone is not a situation. My situation is not *outside* me, it does not relate to me as an object to a subject; it is a synthesis of [the world's] facticity and [my] freedom. [...] We are always in a situation, but the situation is always part of us.<sup>34</sup>

The body then, is crucial since, as Moi stresses, '[t]he body both is a situation *and* is placed within other situations'.<sup>35</sup> It is through the body *as* a situation that the individual is free to carry out his or her projects in the world. But, because the body is also part of the world, because the body *as* situation is constantly placed *in* situations, the projects of the individual are not infinite. The body, therefore, constantly negotiates between its freedom and its factual existence; its abilities and limitations as a human body.

This ongoing process of negotiation gives rise to 'lived experience'.<sup>36</sup> And, as Moi goes on to argue in the following quotation, 'lived experience' plays a significant, although complex, role in the construction of subjectivity.<sup>37</sup>

The situation is not coextensive with lived experience, nor reducible to it. In many ways 'lived experience' designates the whole of a person's subjectivity. More particularly, the term [i.e. 'lived experience'] designates the way an

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<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid., p. 63.

<sup>37</sup> Ibid. As Moi notes, 'lived experience' is another key existential concept (see *ibid.*).

individual makes sense of her situation and actions. Because the concept [i.e. 'situation'] also comprises my freedom, my lived experience is not wholly determined by the various situations I may be a part of. Rather, lived experience is, as it were, sedimented over time through my interactions with the world, and thus itself becomes part of my situatedness.<sup>38</sup>

'Lived experience' is the result of the negotiation between the body *as* the individual's situation and the body *in* a situation.<sup>39</sup> The individual's lived experience contributes to the construction of his or her subjectivity by informing the individual's assessment of his or her situation and experiences. In this way, the lived experience of an individual becomes part of his or her situation through which he or she engages with the next set of negotiations he or she is confronted with in the world.

Importantly though, lived experience is the result of the negotiation between the individual's body *as* his or her situation and the situation *in* which the individual's body is located. And, as we have seen, the body *as* a situation possesses, by definition, an element of freedom. Lived experience, and by extension subjectivity, then, cannot be entirely determined by the world. Consequently, the body *as* a situation can never be totally socially constructed. The body *as* a situation always comprises an element of freedom, even in the most oppressive systems. Therefore, as Moi states, '[t]o claim that the body is a situation is to acknowledge that the meaning of a woman's body is bound up with the way she uses her freedom'.<sup>40</sup>

So far, I have expounded Moi's understanding of two of De Beauvoir's formulations: that the body *is* a situation and that the body is always placed *in* a situation, as well as the contingent relationship between them. De Beauvoir's third formulation in her account of subjectivity that Moi identifies is that of the body as background and, by extension for Moi, the body as foreground. As I have noted above, Moi explains that De Beauvoir understands the body as background to be the extent to which the world emphasises the body of the individual in the way the world experiences and assesses the subjectivity and actions of the individual. In order to understand how De Beauvoir relates this

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<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid., p. 65.

formulation to the body *as*, and *in*, a situation, we first need to understand how De Beauvoir views the body and how she conceives of the relationship of the body to the production of meaning.

In the previous quote, Moi interprets De Beauvoir as stating that the meaning of a woman's body is not fixed or pre-determined but intimately connected to the ways a woman exercises her freedom.<sup>41</sup> On the one hand, as Moi demonstrates, this is an important formulation of female subjectivity that takes the body into account while avoiding biological determinism or essentialism. It also suggests to Moi, however, that De Beauvoir views the meaning of the body as fluid. Moi goes on to show that De Beauvoir's understanding of the body is premised on the view that the body is not an object or a thing that can be defined once and for all. Moi stresses here that De Beauvoir does not reject the body as an object of scientific investigation. Nor does Moi see De Beauvoir as contradicting her claim that biology is an essential part of an individual's existence. What De Beauvoir does reject, Moi argues, is ascribing values to 'objective [...] aspects' of the body.<sup>42</sup>

Moi states that for De Beauvoir 'the human body is fundamentally *ambiguous*: it is subject at once to natural laws and to the human production of meaning, and it can never be reduced to either of these elements'.<sup>43</sup> This, for Moi, means that De Beauvoir recognises that human beings naturally possess certain biological structures, but that De Beauvoir also recognises that these biological structures are not, and should not be, automatically or necessarily attributed universal meanings by individuals or society. As Moi explains, for De Beauvoir, the body and its meanings are a combination of both the 'subjective' and the 'objective', but the body and its meanings can never be reduced to one another.<sup>44</sup> Instead, as Moi argues, the body and its meanings exist in a perpetual dialogue:

Considered as a situation, the body encompasses both the objective and the subjective aspects of our experience. To [...] [De] Beauvoir, the body is our

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<sup>41</sup> Ibid., i.e.: 'To claim that the body is a situation is to acknowledge that the meaning of a woman's body is bound up with the way she uses her freedom'.

<sup>42</sup> Ibid., p. 68.

<sup>43</sup> Ibid., p. 69.

<sup>44</sup> Ibid., p. 68.

perspective on the world, and at the same time that body is engaged in a dialectical interaction with its surroundings, that is to say, with all the other situations in which the body is placed. The way we experience – live – our bodies is shaped by this interaction. This body is a historical sedimentation of our way of living in the world, and of the world's way of living with us.<sup>45</sup>

In this exposition by Moi, the importance of De Beauvoir's third formulation of the body as background emerges, as well as its connection to the body *as* a situation and the body *in* a situation. Moi concludes that '[t]he body is a historical sedimentation of [...] the world's way of living with us'.<sup>46</sup> The body is always the medium through which the world views, experiences and responds to the body *as* the situation of the individual, the situations *in* which the body of the individual is located, and the subjectivity of the individual that is the result of the negation between the body *as* and the body *in*. In other words, the body is the background against which the world engages with the individual.<sup>47</sup> The degree of emphasis placed by the world on the body will vary according to the situation that the body is *in* and the body *as* a situation itself. Moi illustrates that in some cases the individual will stress his or her body while the world will not, and vice versa. She also shows that in other cases both the individual and the world, or neither of them, will stress the body.<sup>48</sup> Regardless of the degree of emphasis however, what is ultimately important for Moi and De Beauvoir is that the meanings of a woman's body depend on the specific interaction among her body *as* her situation, her body *in* situations and the extent to which the world places her body in the background or foreground; the extent to which the world emphasises her body in its assessment of her subjectivity and actions.

Thus we can see that account of De Beauvoir's formulation of female subjectivity that Moi presents is one that is premised on the body, but is neither essentialist nor idealist. Also, De Beauvoir's formulations, as Moi explains them, reveal that one can talk about female subjectivity and its construction in terms other than sex and gender without being a biological determinist and without denying the roles that gender norms and other discourses play.

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<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> This in turn contributes to the individual's views and experiences of his or her body and his or her construction of subjectivity.

<sup>48</sup> For a detailed examination of this, see Moi, "I Am a Woman", pp. 190-226.

In viewing female subjectivity as the result of a woman's negotiation between her body *as* her situation and her body *in* situations, we do several things. We acknowledge the importance of a woman's biology to her experiences without reducing her to her sexual difference. We acknowledge that a woman's experience of her body cannot be reduced to the sum of sex plus race plus class, etc., but that any category of analysis will influence and be influenced by all the others. We also acknowledge that although a woman will be placed in possibly negative situations and discourses, her subjectivity is not irrevocably constructed for her. Finally, by engaging with female subjectivity in terms of the body *as* a situation, we are engaging with 'the concrete body experienced as meaningful, and socially and historically situated'.<sup>49</sup>

It is for these reasons that I agree with Toril Moi that De Beauvoir offers a powerful alternative for thinking about embodied female subjectivity to theories that are premised on distinguishing sex and gender. Specifically, I believe that De Beauvoir's account of the body and body-based subjectivity provides a powerful, and, as yet, unemployed, way of engaging with the historically situated understanding of the early modern criminalized body and subjectivity, whether female or male. Accordingly, it is to these that I shall now turn.

## ***II.2. The Unnatural, the Sinful, and the Illegal 1: Constructing the Criminalized Body***

At the beginning of this chapter, I suggested that the early modern English criminalized body is seen as sinful, unnatural and illegal. I also suggested that it is conceived of as being physically deformed; either because it is visibly deformed in some way or because it is imagined to be so.

The first claim derives from recent historical scholarship and a fundamental early modern intellectual framework: the correspondence of divine, natural and human laws.<sup>50</sup> Since recent revisionist historiography has shown that,

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<sup>49</sup> Moi, 'What Is a Woman?', p. 74.

<sup>50</sup> The importance and currency of the correspondence between divine, natural and human laws in the early modern period has been widely documented. It must be noted here that natural laws and human laws are understood to refer to various types of laws in the period. In the following

in early modern England, a crime is understood as an act that is sinful and unnatural as well as illegal,<sup>51</sup> it is not unreasonable to assume that the body of the criminal is also understood in terms of sinfulness, unnaturalness and illegality. This would also mean that the criminalized body is understood as deviating from divine, natural and human laws since these laws were perceived to be necessarily correspondent. Consequently, if a body was identified as having broken one set of laws it would be perceived as having broken the laws of the other two sets. The second claim derives specifically from the assumption that the criminalized body is seen as unnatural and the frequent description of human unnaturalness in early modern texts in terms of monstrous physical deformity.

This section will attempt to substantiate these claims by illustrating the connections made between physically deformed bodies, sinful bodies and bodies that break human laws, and, in doing so, map the early modern understanding of the criminalized body. Accordingly, it will first explore some of the most prominent early modern interpretations of, and explanations for, physical deformity. It will then try to demonstrate that physical deformity is strongly associated, and sometimes equated, with sinfulness, while physically deformed bodies are frequently employed in texts that discuss and identify sinful bodies. Thirdly, it will attempt to demonstrate that notions of physical deformity and monstrous bodies, as well as notions of sinfulness and sinful bodies, fundamentally inform how bodies that have broken human laws are identified, treated and imagined. Throughout, this section will attempt to show that the focal point in all three areas is the body *as* a situation; the materiality of the unnatural, sinful and illegal body.

### *II.2.i. Monstrous Bodies: Breaking Natural Laws*

In *Wonders and the Order of Nature*, Lorraine Daston and Katherine Park show that physically deformed human bodies generate at least ‘three separate complexes of interpretations and associated emotions’: ‘horror, pleasure, and

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discussions, I will briefly define what I take natural and human laws to mean at the appropriate junctures.

<sup>51</sup> See Chapter I.

repugnance'.<sup>52</sup> Consequently, not all texts view physical deformity negatively. In his essay 'Of Deformity', for example, Francis Bacon sees physical deformity in a positive utilitarian manner, while, in his *Gynaikeion*, Thomas Heywood deals humorously with women whose bodies are deformed.<sup>53</sup> By the same token, physical deformity is not a monolithic construct. Various writers distinguish between corporeal deformity which is congenital and therefore natural and physical deformity that is humanly-inflicted and therefore 'artificial'.<sup>54</sup> More commonly, however, early modern texts see the physically deformed human body as an unnatural monstrous deviation from natural laws: the laws of natural philosophy derived from the observation of natural phenomenon.<sup>55</sup>

This section will examine some of the most important aspects, as well as their consequences, of the early modern understanding of physically deformed

<sup>52</sup> Lorraine Daston and Katharine Park, *Wonders and the Order of Nature 1150-1750* (New York: Zone Books, 1998), p. 176. The interest in the monstrous human body in the period is part of a larger fascination with what was perceived to be abnormal physicality, human and otherwise, that deviates from the laws of natural philosophy. This interest is evidenced in a wide variety of texts: chronicles, diaries, letters, the emerging natural histories, the inventories of anatomy theatres and cabinets of curiosities, treatises, pamphlets and sermons, as well as individual broadsheets and ballads. And while the purposes and organising principles of these texts are considerably varied, they all document strange, wonderful and monstrous occurrences of physically different animals, fish, plants, as well as abnormal astronomical and meteorological phenomena. See, for example, Holinshed's *Chronicles*; Stow's *Symmarie[s] and Annales*; Machyn's *Diary*; *Letters of John Chamberlain*, ed. by Thomson; Edward Topsell, *The Historie Of Fovre-Footed Beastes* (London, 1607), and *The Historie Of Serpents* (London, 1608); Academia Lugdano Bakara (Leyden) *Theatrum Anatomicum, A Catalogue Of all the cheifest [sic] Rarities In the Publick Theater and Anatomie-Hall Of the University of Leyden* (Leyden, 1591); Thomas Platter on Walter Cope's cabinet of curiosities in Platter's account of his travels in England, in *Thomas Platter's Travels*, ed. and trans. by Williams, pp. 171-73; Robert Bassett, *Curiosities Or The Cabinet Of Nature* (London, 1637); Sir Thomas Browne, *Nature's Cabinet Unlocked* (London, 1657); Edward Fenton, *Certaine Secrete wonders of Nature* (London, 1569); A. R., *True and Wonderfull. A Discourse relating a strange and monstrous Serpent (or Dragon)* (London, 1614); Captain L. Br[inckmair], *The Warnings Of Germany* (London, 1638); I. P., *A meruaylous straunge deformed Swyne* (London, 1570); W. F., *The Shape of. ii. Mösters* (London, 1562).

<sup>53</sup> Respectively: Sir Francis Bacon, 'Of Deformity XLIII', in Sir Francis Bacon, *The Essayes Or Covnsels* (London, 1625), pp. 254-56; Thomas Heywood, 'Of Women Deformed', in *FUNAIKEION [i.e. Gynaikeion]* (London, 1624), pp. 263-68: sigs Z6<sup>f</sup>-Aa<sup>v</sup>.

<sup>54</sup> See, for example, Fenton, *Certaine Secrete wonders*, fol. 16<sup>r</sup> [sic, i.e. fol. 14<sup>r</sup>]: sig. D.ij.<sup>r</sup>, and Ambroise Paré, 'The Imposture of a Certain Beggar who was Counterfeiting a Leper', in *Ambroise Paré On Monsters and Marvels*, trans. by Janis L. Pallister, (Chicago and London: The University of Chicago Press, 1982), pp. 76-80 (esp. pp. 77-79).

<sup>55</sup> This is not the only way in which natural law or the laws of nature were understood in the period. In *Natural Law*, R. S. White discusses another prominent interpretation of natural law: Man's innate natural ability to distinguish good from evil as defined by St Thomas Aquinas in his *Summa Theologica*. Natural law is also used in early modern texts to refer to human reason. In this section, and hereafter, unless otherwise specified, I take the terms 'natural law' and 'laws of nature' to refer to the laws of natural philosophy. See St Thomas Aquinas, 'Treatise on Law', in St Thomas Aquinas, *St Thomas Aquinas: Summa Theologica*, trans. by the Fathers of the English Dominican Province, Complete English Edition, 5 vols (Westminster, Maryland: Christian Classics, 1981), II, pp. 993-1017.

human bodies as unnatural and monstrous. Specifically, it will examine the pagan view of the physically deformed body as *contra naturam* and the significance of the probable, but unstable, etymological origins of the term 'monster' and its derivatives: *monstrare* and *monere*. It will also look at the medieval scholastic view of human monstrosity as *extra naturum*. This section will then show that these two views provide several ways of interpreting, as well as identifying the causes of the occurrence of, deformity in the human body. The co-existence of various interpretations reveals that the meanings ascribed to unnatural bodies are fluid, while the availability of multiple causes for their occurrence precludes a unified understanding of them. Finally, this section will try to show that such instability is a source of anxiety which can be most clearly seen in works that apparently attempt to syncretise the several causes of monstrosity.

One view that is frequently expressed in early modern English texts that discuss human bodies that are physically deformed is that such bodies break natural laws; a view that is inherited from the pagan classical tradition of teratology (i.e. the study of monsters).<sup>56</sup> In the classical tradition, a prominent understanding of monstrous physical deformity, human or otherwise, is that it is *contra naturum*: contrary to nature.<sup>57</sup> Monstrosity is an example of natural laws being broken; such bodies are, therefore, unnatural. Consequently, monstrous

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<sup>56</sup> Various central classical texts cite and engage with deformed, monstrous human beings. In *The Generation of Animals*, for example, Aristotle explains the reasons for deformities in human beings. Famously, Aristotle also argues that women are monsters that occur naturally, since they are incomplete versions of the perfect male human being. See Aristotle, *Aristotle: Generation of Animals*, trans. by A. L. Peck, The Loeb Classical Library (London: William Heinemann Ltd; Cambridge, Massachusetts: Harvard University Press, 1943), IV.vi., pp. 459-61. Elsewhere, in his *History of Animals*, Aristotle draws on humoral theory to explain that monsters are generated in Africa because of the excessive heat and dryness of the continent. See Aristotle, *Aristotle: History of Animals*, ed. and trans. by D. M. Balme, The Loeb Classical Library, ed. by G. P. Gould, Aristotle XI LCL 439 (Cambridge, Massachusetts; London, England: Harvard University Press, 1991), pp. 195-205 (esp. p. 203). In *Scipio's Dream*, Cicero makes the first recorded reference to the Antipodes: monsters that represent the inverse of human beings. See Marcus Tullius Cicero, *Scipio's Dreame*, trans. by E. C. S. (London, 1627), p. 18: sig. C<sup>v</sup>. In his encyclopaedic *Natural History*, Pliny presents a wide range of monsters, including anthropophagi (i.e. cannibals), hermaphrodites, and numerous examples of 'monstrous and prodigious births'. See Caius Plinius Secundus, [i.e. Pliny the elder], *Historie Of The World. Commonly called, The Natvrall Historie Of C. Plinivs Secvndvs*, trans. by Philemon Holland, 2 vols (London, 1601), I, Book VII, Chapters 2 and 3, pp. 154-55: sigs Ov<sup>v</sup>-Ovi<sup>r</sup>, and pp. 157-58: sigs P<sup>r-v</sup>, respectively.

<sup>57</sup> See David Williams, *Deformed Discourse: The Function of the Monster in Mediaeval Thought and Literature* (Exeter: University of Exeter Press, 1996); Robert Garland, *The Eye of the Beholder: Deformity and Disability in the Graeco-Roman World* (London: Gerald Duckworth and Co. Ltd., 1995); Daston and Park, *Wonders*; Dudley Wilson, *Signs and Portents: Monstrous births from the Middle Ages to the Enlightenment* (London and New York: Routledge, 1993).



bodies are seen variously as omens of ill-fortune, magical polytheistic manifestations or as unfortunate instances in which nature does not abide by its own laws. These classical interpretations reflect, and are perhaps generated by, the two possible etymological roots of 'monster': *monstrare* and *monere*. '*Monstrare*' means 'to show', 'to point' or 'to demonstrate'. Monstrous bodies, therefore, can be seen as signs or indications of previously unknown occurrences. '*Monere*', on the other hand, means 'to warn'. Monstrous bodies, therefore, can be seen as portents of future events which are generally expected to be disastrous.

Both '*monstrare*' and '*monere*' possess implications for the relationship between monstrous bodies and meaning. On the one hand, both terms suggest that these bodies refer to meanings, or truths, that exist outside or beyond the bodies themselves. Consequently, meaning is derived from the situation that monstrous bodies are *in*, not from the bodies themselves, thus obscuring the meanings of such bodies. On the other hand, in showing forth or warning, both '*monstrare*' and '*monere*' are etymologically connected to '*demonstrare*', 'to demonstrate', which is not the same as '*(re)praesentare*', 'to represent'. There is a subtle distinction here between demonstration by being and signifying through representing. Consequently, in using the terms '*monstrare*' and '*monere*' and their derivatives to describe physically deformed bodies, there is a sense that meaning is derived from the material reality of these bodies; from these bodies *as* situations. As we shall see, the first relationship between meaning and unnatural bodies is frequently invoked in early modern engagements with human physical deformity, while the second is frequently employed in relation to bodies that are sinful and break human laws.

The other view of monstrous human bodies that is often articulated in early modern texts is that while they occur outside of nature, they do so according to divine will; a view that derives from the medieval Christian teratological tradition.<sup>58</sup> As David Williams has demonstrated in his study,

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<sup>58</sup> A considerable number of medieval theologians also explore the question, and forms, of monstrous humans. In Section XXVII in his treatise *On Divine Names*, St Dionysius the Areopagite, for example, views physical deformity as 'a defect of form[...] and a deprivation of order'. Physical deformity is 'a less good', but it is not an effect of 'the Evil in bodies' since 'Evil' does not reside in the body. See *The Works of Dionysius the Areopagite, Now First Translated Into English From The Original Greek, By The Rev. John Parker, M.A.*, trans. by Rev. John Parker, 2 vols (London and Oxford: James Parker and Co., 1897 and 1899), I, p. 65. In *The*

*Deformed Discourse*, the medieval tradition adjusts its classical inheritance to suit its Christianity.<sup>59</sup> Medieval scholastics shift from the classical view of monstrosity as *contra naturum* to the Christianised view of it as *extra naturum*: outside, or beyond, nature. In accordance with their monotheistic view of omnipotent God, medieval scholars refused the pagan view that physical deformity occurs contrary to the will of God. Physical deformity is unnatural as it clearly contravenes observed natural law. Concomitantly, however, physical deformity must be natural since God commands nature and natural law. Nature cannot, therefore, produce anything contrary to its laws. Consequently, medieval scholastics view physical deformity as *extra naturam*; a divinely sanctioned instance in which the laws of nature are broken, rather than *contra naturum*; an instance in which, for some inexplicable reason, the laws of nature are broken. Monstrous bodies, therefore, demonstrate either the wrath or omnipotence of God depending on the context.

Several ways of interpreting, and explaining the causes of, monstrous bodies are, therefore, available to early modern writers. Broadly speaking, these interpretations can be divided into two groups. The first group, exemplified by John Hall in his 'description [...] of a monstrous chyld', interprets monstrous bodies as unnatural, but divinely sanctioned.<sup>60</sup> Consequently, physically deformed human bodies evidence either divine punishment or divine warning of impending divine wrath, which are directed towards either specific individuals or society in general. The second group, as exemplified by Michel de Montaigne in his essay '*Of a monstrous Childe*', does not view monstrous bodies as unnatural because nature does not deviate from her laws and God does not sanction

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*City of God*, St Augustine debates '[w]hether certain monstrous races of men' mentioned in classical sources and interpreted as the 'giants' in Genesis (6:4, *AV*) and Deuteronomy (2:18-21, *AV*) are monsters or of Adamic descent. Augustine also considers the theological grounds for belief in the Antipodes. See St Augustine, *The City of God*, in *The Works of Aurelius Augustine, Bishop of Hippo. A New Translation*, ed. by Marcus Dods, 15 vols (Edinburgh: T. and T. Clark, 1871-1876), II (1871), Book XVI, Chapter VIII, pp. 116-118, and Chapter IX, pp. 118-19, respectively. Elsewhere, in the *Enchiridion*, Augustine addresses the question of the resurrection of monstrous births and the shapes they will assume. See St Augustine, *Enchiridion*, in *Works*, ed. by Dods, IX (1873), Chapter LXXXVII, pp. 236-37.

<sup>59</sup> Williams, *Deformed Discourse*, pp. 4-14.

<sup>60</sup> John Hall, 'The description & declaration of a monstrous chyld', in *The Courte of Vertue* (London, 1565), fols 126<sup>r</sup>-27<sup>r</sup>: sigs S4<sup>r</sup>-S5<sup>r</sup>.

disorder.<sup>61</sup> Monstrous bodies are, therefore, neither warnings nor omens, merely natural occurrences that demonstrate the limitations of human knowledge.<sup>62</sup> These interpretations originate in the multiple causes of monstrosity suggested by the views of physical deformity as *contra* and *extra naturum*. As Ambroise Paré shows in his important teratological work, *On Monsters and Marvels*, there are numerous causes, both *extra* and *contra naturum*, for physical deformity.<sup>63</sup> Such causes include 'the glory' and 'wrath' of 'God', various physiological causes located in the 'quantity' and quality of 'seed', as well as 'Demons and Devils'.<sup>64</sup>

These interpretations and causes reveal two aspects of the early modern understanding of physically deformed bodies. In the first place, both of the common interpretations as exemplified by Hall and Montaigne identify the source of meaning of monstrous bodies as lying outside the bodies themselves. In Hall's account, deformed bodies point to meanings about specific individuals or society, while in Montaigne's account such bodies point to meanings that exist in nature, but which have yet to be discovered by human knowledge. This illustrates the currency, and impact, of the first relationship between monstrous bodies and meaning suggested by the etymological roots of 'monster', '*monstrare*' and '*monere*'. The meanings such bodies generate do not refer to the physical materiality of the bodies themselves, or to such bodies *as* situations. Neither

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<sup>61</sup> Michel de Montaigne, 'Of a monstrous Childe', in Michel de Montaigne, *The Essayes Or Morall, Politike and Millitarie Discourses of Lo: Michaell de Montaigne*, trans. by John Florio (London, 1603), p. 409: sig. Nn<sup>r</sup>.

<sup>62</sup> For recent accounts of the multiplicity of interpretations of monstrous human beings, see Daston and Park, *Wonders*; David Cressy, 'Monstrous Births and Credible Reports: Portents, Texts and Testimonies', in David Cressy, *Travesties and Transgressions in Tudor and Stuart England: Tales of Discord and Dissension* (Oxford: Oxford University Press, 2000), pp. 29-50; Alexandra Walsham, *Providence in Early Modern England* (Oxford: Oxford University Press, 1999); Wilson, *Signs and Portents*; Marie-Hélène Huet, *Monstrous Imagination* (Cambridge, Massachusetts; London, England: Harvard University Press, 1993). Most recent research on monstrous physicality has, however, been largely restricted to monstrous births. Two exceptions to this trend are MacAvoy and Walters, eds, *Consuming Narratives*, and Kathryn M. Brammall, 'Monstrous Metamorphosis: Nature, Morality and the Rhetoric of Monstrosity in Tudor England', *Sixteenth Century Journal* 27 (1996), 3-21.

<sup>63</sup> Paré, 'On the Causes of Monsters', in *On Monsters and Marvels*, trans. by Pallister, pp. 3-4. Although Paré's *Des Monstres et Prodiges* (Paris, 1573) was known to various writers in England during the late sixteenth and early seventeenth centuries, the first English translation was produced in 1649. See *The Workes of that famous Chirurgion Ambrose Parey*, trans. by Thomas Johnson (London, 1649).

<sup>64</sup> Paré, 'On the Causes of Monsters', pp. 3-4. The question of demonic interference or influence in the generation of monstrous human beings was a particularly vexing one for many writers in the period. On the one hand, devils could be seen as engendering unnaturalness in humans with divine sanction to demonstrate either divine omnipotence or wrath. On the other hand, devils could be seen as a divinely unauthorised cause of unnatural deformity but which was, nevertheless, paradoxically allowed by God.

account explores what meanings can be derived from these bodies about the bodies themselves.

Secondly, the multiplicity of causes ultimately precludes a unified explanation of monstrous bodies. I would like to suggest here that this derives from two sources: the collective contradictory nature of the causes and a more fundamental irresolvable loop of logic that monstrous bodies generate. Individually, all the causes of physical deformity are valid. And, some causes are not necessarily mutually exclusive. For example, an abnormal physiological occurrence could also be evidence of divine omnipotence. Collectively, however, these causes are contradictory since they cannot all be correct concomitantly. For example, a monstrous body cannot be caused by physiology and demonic interference that is not divinely sanctioned and divine wrath. More fundamentally, monstrous bodies generate an irresolvable loop of logic that derives from the recognition that monstrous bodies are empirically unnatural and the need to explain such bodies in terms of the correspondence between natural and divine laws. Monstrous bodies are clearly unnatural, or, *contra naturum*, since they deviate from the empirical evidence of natural laws. But since nature and its laws are reflections of divine laws, the evident imperfections of monstrous bodies problematically suggest imperfections of God's laws. This is unthinkable to the early modern mind. The only possible explanation is that since natural law is also governed by divine law, such monstrous bodies must occur according to a divinely sanctioned, but humanly unknown, natural law. Monstrous bodies are, therefore, not *contra naturum*, i.e. contrary to natural laws, but *extra naturum*, i.e. exist outside natural laws. This identification, however, does not resolve the problem of how to explain monstrous bodies because it remains premised on the fundamental recognition of physicality that deviates from natural norm. Even while maintaining that monstrous bodies are *extra naturum*, this insistence recognises these bodies as *contra naturum*.

In these terms, it is impossible for early modern writers to arrive at an understanding of a physically deformed human body that unites all its possible causes, empirical evidence and the correspondence between natural and divine

laws. Instead, only partial explanations can be posited.<sup>65</sup> This inability and the anxiety it generates are most clearly demonstrated in works that apparently attempt such a unifying project.

One such text is Edward Fenton's *Certaine Secrete wonders of Nature* (1569).<sup>66</sup> As the title makes clear, *Certaine Secrete wonders* is concerned with 'sundry strange things, seming [*sic*] monstrous in our eyes and iudgement'.<sup>67</sup> The title also suggests that Fenton's interpretation of monstrous bodies is similar to Montaigne's: that such 'things' only 'seem monstrous', or unnatural, 'bicause we are not priuie to the reasons of them'.<sup>68</sup> As his Preface reveals, however, Fenton attempts to combine both views of monstrosity.<sup>69</sup> Fenton identifies 'mōsters, wonders and abominations [*sic*]'<sup>70</sup> as 'workes of Nature [...] turned arsiuersie [*sic*, i.e. 'contrariwise; perverse'<sup>71</sup>], misseshapen and deformed'.<sup>72</sup> Such bodies, however, also 'discouer vnto vs the secrete iudgemēt and scourge of the ire of God'.<sup>73</sup> Fenton, therefore, identifies 'mōsters' as contrary to natural law, i.e. *contra naturum*, while pointing to them as evidence of God's anger and punishment, i.e. *extra naturum*.<sup>74</sup> He further suggests that the meanings of such monsters, both their interpretations and their causes, can not only be arrived at, but can also be set forth in terms of their unnaturalness and evidence of divine purpose. However, Fenton later admits '[b]ut for y<sup>e</sup> misterie of these secretes [i.e.

<sup>65</sup> Not surprisingly, a large number of early modern texts that deal with monstrous bodies posit one cause and one line of interpretation.

<sup>66</sup> Fenton, *Certaine Secrete wonders*. This work is important for several reasons. Although not an original work, *Certaine Secrete wonders* is the first English translation of Pierre de Launay Boaistuau's popular work, *Histoires Prodigieuses* (Paris, 1560). In France alone, this work was reprinted in 1561, 1568, 1571, 1578, 1595, 1597, and 1598. Boaistuau's *Histoires* is, in turn, based on Conrad Lycosthenes' seminal teratological work, *Prodigiorm Ac Ostentorm Chronicon* (Basil, 1557). The impact of Lycosthenes' works on early modern teratology in both England and Europe was considerable. In England, the influence of Lycosthenes' work is found in texts such as Topsell's *Historie[s]* and Stephen Bateman's *The Doome warning all men to the Iudgemente* (London, 1581). It should be noted that both Boaistuau and Lycosthenes draw on other contemporary writers such as Conrad Gesnerus as well as on the expected classical and medieval sources. Thus, Fenton's work introduces the highly influential European ideas of teratology to English readers. And while *Certaine Secrete wonders* was only printed twice in 1569, it marks the beginning of a proliferation of similar teratological works in English. Most importantly perhaps, Fenton's work is the first sustained account of teratology in English that attempts to syncretise the various early modern understandings of monstrous bodies.

<sup>67</sup> Title in Fenton, *Certaine Secrete wonders*.

<sup>68</sup> Ibid.

<sup>69</sup> 'The Authors Preface', in *ibid.*, sigs A.iiij.<sup>r</sup>.\*.j.<sup>v</sup> [*sic*].

<sup>70</sup> Ibid., sig. A.iiij.<sup>r</sup>.

<sup>71</sup> 'Arsy-versy', in *OED*, A.

<sup>72</sup> Fenton, 'The Authors Preface', in *Certaine Secrete wonders*, sig. A.iiij.<sup>r</sup>.

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

unnatural bodies] is somewhat to [*sic*] hard, and therefore requireth a further leisure, I wil leaue the rest to the discourse that I haue made in my Histories [...].<sup>75</sup> In other words, Fenton defers his revelations to later. But, Fenton's initial deferral in the Preface emerges as symptomatic; *Certaine Secrete wonders* is a continuous exercise in deferral.

One example of this is found in Chapter VII.<sup>76</sup> Here, Fenton describes a 'wonderful and horrible monster of our tyme' born in either 1543 or 1547 in 'Pologne'.<sup>77</sup> This monster is, in fact, a 'most horrible, deformed and fearefull' boy.<sup>78</sup> Among other things, this child has a 'mouthe and nose like to the snoute of an Oxe' and 'two heads of an Ape' instead of 'brests', while the area 'aboue his nauell [*is*] marked [*with*] the eies of a cat'.<sup>79</sup> This description of this deformed body *as* the child's situation is, however, all that the reader is told about the child himself. Instead, Fenton focuses on what meanings the monstrous child might provide outside itself. Fenton asks 'whether' this child proves that '*Diuels can engender and vse the workes of Nature*', or whether demons can engender human monstrosity.<sup>80</sup> After citing various conflicting classical, biblical and contemporary sources, Fenton appears to determine the meaning of the child in divine and natural terms. Fenton allows that Devils and spirits may be divinely sent to punish humans and incite deviant sexual practices. Nevertheless, Devils and spirits cannot physically 'engender' children or '*vse the workes of Nature*'<sup>81</sup> since Devils and sprits 'are [...] both voyde of seede, and without meane of generation'.<sup>82</sup> This 'resolution', however, is temporary since it is based on

<sup>75</sup> Ibid., sig. A.iiij.<sup>v</sup> The 'misterie[s]' that Fenton wishes to unlock are 'misterie[s]' that lie outside these monstrous bodies, not the 'misterie[s]' of the physical deformities themselves (ibid.).

<sup>76</sup> Fenton, *Certaine Secrete wonders*, fols 15<sup>v</sup>-18<sup>v</sup>: sigs D.iiij.<sup>v</sup>-E.ij.<sup>v</sup>.

<sup>77</sup> Ibid., fols 15<sup>v</sup>-14<sup>r</sup> [*sic*, i.e. fol. 16<sup>r</sup>]: sigs D.iiij.<sup>v</sup>-D.iiij.<sup>r</sup>.

<sup>78</sup> Ibid., fol. 14<sup>r</sup> [*sic*, i.e. fol. 16<sup>r</sup>]: sig. D.iiij.<sup>r</sup>.

<sup>79</sup> Ibid., fols 14<sup>r-v</sup> [*sic*, i.e. fols 16<sup>r-v</sup>]: sigs D.iiij.<sup>r-v</sup>. There is an echo of the description of this monster in a description of Cupid in 'The First Eclogues' of Sir Philip Sidney's *Countess of Pembroke's Arcadia*. See Sir Philip Sidney, *Sir Philip Sidney The Countess of Pembroke's Arcadia (The Old Arcadia)*, ed. by Katherine Duncan-Jones, The World's Classics (Oxford and New York: Oxford University Press, 1985), pp. 50-79 (p. 57).

<sup>80</sup> Fenton, *Certaine Secrete wonders*, fol. 15<sup>v</sup>: sig. D.iiij.<sup>v</sup>. This is particularly bizarre since, in stating that the child was 'begotten of honorable [*sic*] parents', Fenton immediately discounts one common explanation that the monstrous child evidences the sinfulness of the parents generally, or the mother specifically (ibid., fol. 14<sup>r</sup> [*sic*, i.e. fol. 16<sup>r</sup>]: sig. D.iiij.<sup>r</sup>).

<sup>81</sup> Ibid., fol. 15<sup>v</sup>: sig. D.iiij.<sup>v</sup>.

<sup>82</sup> Ibid., fol. 18<sup>v</sup>: sig. E.ij.<sup>v</sup>.

whether devils and spirits 'haue bodies or no', a question Fenton defers to 'an other [*sic*] part of this worke'.<sup>83</sup>

In *Certaine Secrete wonders*, Fenton attempts to provide an all-inclusive explanation of the monstrosity of this child, as well as the unnaturalness of other bodies, in terms of divine and natural laws. Ultimately, however, Fenton cannot syncretise all the available explanations and Fenton is forced to posit partial meanings, deferring the other meanings till later. The combination of Fenton's need to definitively explain such unnatural bodies and his repeated deferral of doing just that suggests that these bodies are a source of anxiety. They need to be explained because they deviate from the norm. At the same time however, they cannot be adequately explained since the available interpretations and causes ascribed to their occurrence are contradictory.

This section has sketched some of the most important aspects of the early modern understanding of physical deformity. As we have seen, two ideas, *contra* and *extra naturum*, permit various interpretations and causes of unnatural, monstrous, physical deformity. We have also seen, however, that within such interpretations, while the monstrous body *as* a situation is a focal point of attention, the meanings that are ascribed to it do not refer to the material reality of the body but to its wider context. Finally, we have seen that there is no understanding of physical deformity which encompasses all its possible causes, which generates anxiety. As the following section will try to show, these aspects of the early modern understanding of human physical deformity are not restricted to teratological accounts but are also employed in discussions of sinfulness and sinful bodies.

## *II.2.ii. Sinful Bodies: Breaking Divine Laws*

This section will argue that the early modern understanding of physical deformity is frequently employed in religious contexts. Two important factors inform such practices; the biblical association of sinfulness with physical deformity, and the correspondence between divine and natural laws. I will

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<sup>83</sup> Ibid.

illustrate how various early modern texts frequently equate sinfulness with physical deformity. I will then show how such texts draw on aspects of the understanding of monstrosity to identify sinful bodies as physically deformed. Consequently, I will argue, in these cases, sinfulness is identified as being manifested in the body *as* a situation in the form of unnatural physicality.

One significant source of the association of sinfulness with physical deformity is the Bible, which provided early modern writers with several powerful, but opposing, attitudes towards physical deformity. In the Old Testament, physical deformity is associated with unnaturalness and sinfulness. Literally, physical deformity is seen as 'unnatural', as 'a lack of wholeness, a flaw[...] [and] a deviation from the norm'.<sup>84</sup> Leviticus 21, for example, lists types of physically deformed people who are barred from entering God's presence in the temple, such as those who are 'blind', 'lame', 'crookbackt', 'dwarf[s]', 'scurvy', 'scabbed', 'or hath [their] stones broken'.<sup>85</sup> Unnatural physically deformed human bodies are therefore unacceptable to God, who is perfect, holy and clean. As a result, in the Old Testament, physical deformity also functions 'in symbolic terms' as 'a[n] [...] image of unholiness' and 'uncleannes', or as symbolic of spiritual imperfection and sinfulness.<sup>86</sup>

The New Testament, on the other hand, provides a considerably different attitude towards physical deformity. Physical deformity is no longer seen as visible unnaturalness or as a metaphor for unholiness. Instead, moral deformity is emphasised. Two passages frequently cited by early modern writers demonstrating this emphasis on moral deformity are Matthew 21:12-14 and John 9:1-7. In Matthew 21, Christ's anger with the traders and moneylenders at the Temple indicate that it is moral, not physical, deformity that is to be censored.

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<sup>84</sup> Leland Ryken, and others, eds, *Dictionary of Biblical Imagery* (Downers Grove, Illinois, USA and Leicester, England: InterVarsity Press, 1998), pp. 201-02 (p. 201).

<sup>85</sup> See Leviticus 21:18-20, *AV*. Similar injunctions are passed against sacrificial animals. Leviticus 22:20-24, *AV*, lists types of physically deformed animals that are not to be offered as sacrifices to God, among which are those that are 'blemish[ed]', 'broken, or maimed, or having a wen', 'bruised, or crushed, or broken or cut'. In *Biblical Imagery*, Ryken, and others, comment on the injunctions against the physically deformed in Leviticus 21: 'With respect to people this prohibition of the flawed coming before God was most specifically for the priestly offices. However it is likely that this exclusion was extended beyond those offices into the greater society, for in the NT the lame and blind were brought to the temple gates and steps to beg from those permitted to enter (Acts 3:2)' (*ibid.*, p. 201).

<sup>86</sup> *Ibid.*



Similarly, in John 9, Christ's healing of the blind man suggests that physical deformity is not evidence of divine wrath and punishment.<sup>87</sup>

The Bible also implies certain attitudes towards physical deformity. Since man was created in 'in the image of God', deformity in the human body can be interpreted as a deformity of God's image.<sup>88</sup> Furthermore, there is the suggestion that physical deformity bears directly on the individual's spirituality. Pauline doctrine insists that the body is the 'temple' of the soul: the abode of the Holy Spirit.<sup>89</sup> Lack of physical purity in any form, including physical deformity, therefore, might indicate the corruption, or lack, of spiritual purity. On the other hand, in the Acts, references are made to sinfulness resulting in unnatural physical changes.<sup>90</sup> Moreover, in Revelation, the body evidences the individual's spiritual state and status as blessed or damned. Those sinners who are eternally damned clearly carry the mark of the Beast on their foreheads or right hands.<sup>91</sup> These visible disfiguring marks upon the body reveal the sinfulness of the individual.

In this way, divine laws as expressed in Scripture provide early modern writers with both literal and metaphorical connections between physical deformity and sinfulness. Not surprisingly then, this conjunction appears in wide variety of early modern exegetical texts. In his apocalyptic account of contemporary sin, *The Droomme of Doomes Day* (1576), George Gascoigne, for example, defines sin as 'an infinit [*sic*] loathsomnesse, hatefulnessse and deformytie'.<sup>92</sup> Here, Gascoigne draws on the metaphorical association of sinfulness and physical deformity in the Old Testament. Since God is entirely holy, good and pure, He is 'dishonoured' by His antithesis, namely sin.<sup>93</sup> 'Therefore', argues Gascoigne, sin is correctly defined as 'an infinite loathsomnesse, hatefulnessse and deformytie'; sin is repulsive and to be abhorred as well as a 'deformytie'.<sup>94</sup> At the same time, Gascoigne can be seen to invoke the association of breaking 'the lawes of God' with literal physical deformity.<sup>95</sup>

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<sup>87</sup> See also in this context Christ's healing of the man with the withered hand, Mark 3:1-6, *AV*.

<sup>88</sup> Genesis 2:27, *AV*.

<sup>89</sup> See 1 Corinthians 6:19, *AV*.

<sup>90</sup> See, for example, Romans 1:26-27, *AV*.

<sup>91</sup> Revelation 13:16-17; 14:9; 20:4, *AV*.

<sup>92</sup> George Gascoigne, *The Droomme of Doomes day* (London, 1576), sigs G.viii.<sup>r-v</sup> (sig. G.viii.<sup>l</sup>).

<sup>93</sup> *Ibid.*

<sup>94</sup> *Ibid.*

<sup>95</sup> *Ibid.*, sig. G.viii.<sup>v</sup>.

In his antithetical phrases, Gascoigne contrasts the 'bewtie' of God to the 'deformitie' of 'sinne'.<sup>96</sup> This can be read metaphorically in spiritual terms. However, it also suggests that sin is a physical deformity that is to be contrasted with the 'bewtie' of God, which is a physical attribute.<sup>97</sup>

The association of physical deformity and sinfulness is also frequently used in connection with sinners and their bodies. This is, perhaps, to be expected since the words 'deformity' and 'deformed' suggest a deviation of form, shape, or image. One of the most prominent 'image[s]' in Christian doctrine, whether Protestant or Catholic, is that of man as the 'image of God'.<sup>98</sup> A sinner and his or her sinful body have deformed the 'image of God' since, by sinning, he or she has deviated from the pure and holy image of God. In his *Nevve Anatomie of vvhole man* (1576), John Woolton, for example, clearly draws on these associations.<sup>99</sup> The second part of the *Anatomie* examines 'the ruine and destruction of Gods image in Man' that was 'destroyed in mäs fall'.<sup>100</sup> The Fall and resultant loss of spiritual purity rendered 'whole man [...] miserably deformed, corrupted and [he] lost all his ornamentes and qualities'.<sup>101</sup> Most notably for Woolton, Man lost his physical innocence and became aware of his nakedness. For Woolton, Man's 'very nakednesse[...] [...] doth not onely signifie the outwarde, but also the inwarde deformitie both of body and soule'.<sup>102</sup> Man's loss of Grace and spiritual purity is manifested in physical terms in his awareness of his nakedness. And, it is this sinful awareness of nakedness that represents the 'deformitie[s]' of his exterior, i.e. his body, as well as his interior, i.e. his soul.<sup>103</sup>

In addition to Biblical support, the correspondence between divine and natural laws provides further justification for associating physical deformity with sinfulness. Since natural laws correspond to divine laws, then breaking natural

<sup>96</sup> Ibid., sig. G.viii.<sup>r</sup>.

<sup>97</sup> Ibid.

<sup>98</sup> Genesis 2:27, AV.

<sup>99</sup> John Woolton, *A Nevve Anatomie of vvhole man* (London, 1576). For similar examples of this practice, see Henry Holland, *The Historie of Adam* (London, 1606) and John Preston, *The Deformed Forme Of A Formall Profession* (Edinburgh, 1632). See also William Perkins' *A Reformed Catholike* (London, 1598) and the heated debate that followed this publication between William Bishop, Robert Abbot and Thomas Bell. See William Bishop, *A Reformation Of A Catholike Deformed* ([Douay?], 1604); Robert Abbot, *A Defence Of The Reformed Catholike of M. W. Perkins* (London, 1606), and *The Second Part Of The Defence Of The Reformed Catholike* (London, 1607); Thomas Bell, *A Christian Dialogve* (London, 1609).

<sup>100</sup> Woolton, *Nevve Anatomie*, fol. 14<sup>v</sup>.

<sup>101</sup> Ibid., fols 15<sup>r-v</sup>.

<sup>102</sup> Ibid., fol. 16<sup>r</sup>.

<sup>103</sup> Ibid.

laws entails breaking divine laws. Consequently, unnatural physical deformity can be seen to correspond to sinfulness. However, as we have seen, unnatural physical deformity in human bodies is seen in particular terms in the period. In the following, therefore, I will attempt to illustrate three of the most prominent ways early modern writers employ monstrous bodies, as well as various aspects of the understanding of human physical deformity, to identify the sinful body *as* a situation as physically unnatural.

One way in which writers establish a direct connection between human sinfulness and monstrosity is the citation of an actual, divinely-sanctioned, monster. One example of this practice is John Brooke's, *Of two VVoonderful [sic] Popish Monsters* (1579).<sup>104</sup> Apparently, this pamphlet is a translation of two works by the two early reformers, Philip Melanchthon and Martin Luther: *A Declaration of the Monstrous figure of a Popish Asse* and *The Interpretacion of [...] a Moonkish [sic] Calfe*, respectively.<sup>105</sup> Both texts are accompanied by two woodcuts of monsters. In keeping with the view that monstrous bodies are divinely sanctioned and refer to meanings outside themselves, Melanchthon and Luther see these monstrous animals as evidence of divine wrath with, and as illustrations of the corruption of, the Catholic Church and its clergy. Accordingly, both writers catalogue the unnatural deformities of each animal, while elucidating what each deformity means and points to. Melanchthon, for example, claims that 'the belly and the stomacke, the which do resemble the belly and stomacke of a woeman [sic], signifie the body of the Pope', and demonstrate the sins of gluttony and over-indulgence of the Catholic clergy.<sup>106</sup> Similarly, Luther identifies the baldness of the calf as evidence of the 'shining hipocrisie' of the monks,<sup>107</sup> while the absence of eyes in the animal is evidence for Luther of the sinful, theologically misguided 'carnall gouernment' and 'carnall doctrine' of the Catholic Church.<sup>108</sup> For both writers, each instance of unnatural physicality corresponds to an instance of human sinfulness.

Another way in which monstrosity is employed in discussions of sinfulness is the equation of sinful humans with beasts to demonstrate the extent

<sup>104</sup> John Brooke, trans., *Of two VVoonderful Popish Monsters* ([London?], 1579).

<sup>105</sup> See *ibid.*, fols 1<sup>r</sup>-11<sup>r</sup>: sigs B<sup>r</sup>-D.iiij.<sup>r</sup> and fols 12<sup>r</sup>-19<sup>r</sup> [*sic*, i.e. fol. 18<sup>r</sup>]: sigs D.iiij.<sup>r</sup>-F.ii.<sup>r</sup>, respectively.

<sup>106</sup> *Ibid.*, fol. 4<sup>v</sup>: sig. B.iiij.<sup>v</sup>.

<sup>107</sup> *Ibid.*, fol. 17<sup>r</sup>: sig. F<sup>r</sup>.

<sup>108</sup> *Ibid.*, f. 15<sup>v</sup>: sig. E.iiij.<sup>v</sup>.

of the unnaturalness of such people. For such writers, people who sin and break divine, and therefore also natural, laws become no better than animals, and thus become unnatural human beings. In his highly popular didactic work, *The Theatre of Gods Iudgements* (1597), Thomas Beard rails against widespread contemporary sin and sinners.<sup>109</sup> Sinners are so common that the world is apparently inhabited by 'hideous monsters', not men.<sup>110</sup> Such is the transformation, or de-formation, of men that they have become 'sauage and vnnaturall'.<sup>111</sup> They have lost their natural 'sence and reason', the very things that set them apart from animals, and therefore these men 'are transformed into brute beasts'.<sup>112</sup> In breaking divine and natural laws, men's sinfulness has deprived them of their God-given superiority and 'transformed' them into animals.<sup>113</sup> The suggestion here is that by sinning, the bodies of these men *as* their situations have fundamentally changed. The bodies of sinful men *as* their situations are identified as having undergone a physical change; their bodies have been 'transformed' from human bodies to animal ones since their bodies have lost the human attributes that distinguish them from animals.<sup>114</sup>

For some writers, sinful people and their sinful acts mark their bodies *as* their situations as worse than bestial. In his *Anatomie of Hymors*,<sup>115</sup> Simion Grahame, for example, expostulates against sexually permissive women who have intercourse with many different partners. Sexual promiscuity is, in the first place, sinful. It also, argues Grahame, causes unnatural behaviour in the female body *as* a situation. 'The often change & mixtures of many sundry natures [i.e. the semen of different men], doth hinder the propagation and issue of children' in

<sup>109</sup> Thomas Beard's, *The Theatre of Gods Iudgements* (London, 1597). This work, which was reprinted in emended and collaborative editions in England in 1612, 1631, and 1648, is a translation of Pierre de Launay Boaistuau's *Le Theatre Dv Monde* (Paris, 1558) which was reprinted in various parts of France, Europe and England in 1559, 1565, 1561, 1572, 1575, 1578, 1580, 1581, 1585?, 1587, 1593, 1595, 1596, 1597, and 1619. Additionally, in England, several other translations of *Le Theatre* were made. See, for example, Pierre de Launay Boaistuau, *Theatrum Mundi, The Theatre or rule of the world*, trans. by John Alday (London, 1566); Pierre de Launay Boaistuau, *The Theatre Of The World*, trans. by Francis Farrer (London, 1663); Pierre de Launay Boaistuau, *The theatre of the world*, trans. by G. R. (London, 1678).

<sup>110</sup> Beard, *Theatre of Gods Iudgements*, p. 2: sig. B<sup>v</sup>.

<sup>111</sup> *Ibid.*, p. 3: sig. B2<sup>r</sup>.

<sup>112</sup> *Ibid.*

<sup>113</sup> *Ibid.*

<sup>114</sup> *Ibid.*

<sup>115</sup> Simion [sic] Grahame, *The Anatomie Of Hymors: Written by Simion Grahame* (Edinburgh, 1609), in *The Bannatyne Club: Memorials of George Bannatyne. M.D.XLV-M.DC.VIII*, Printed for the Bannatyne Club (Edinburgh, 1829).

these women.<sup>116</sup> Sexual promiscuity inhibits the primary and natural purpose of sexual intercourse for the female body: procreation. Furthermore, such sexual promiscuity is the consequence of 'lust' which is, according to Grahame, 'filth[y]' and 'beastly' since it is one area in which humans are like animals.<sup>117</sup> However, continues Grahame, the bodies of lustful women *as* their situations are worse than the bodies of animals. For although animals have no intelligence, morality or souls, 'brute beasts keepes [*sic*] the rule and direction of Nature'; animals only mate at times ordained by nature and thus obey her laws.<sup>118</sup> Sexually promiscuous women, on the other hand, are both sinful and unnatural in their promiscuity since 'they against Nature hath no appointed time in particular, but takes [*sic*] their time in all maner [*sic*] of times'.<sup>119</sup> In their sexual permissiveness, lustful women and what they choose to do with their bodies conform neither to the natural times or forms of intercourse.<sup>120</sup>

A third way some writers employ monstrosity is to identify sinners as undergoing a monstrous, physical metamorphosis. This instance is, perhaps, the most alien to twenty-first century readers. The assumption here is that belief in a sinful and unnatural religion will engender a fundamental physical change in the body of the believer, which in turn will impact negatively on his or her intellect and spirituality. An example of this is found in G. Closse's account of *The Parricide Papist* (1606).<sup>121</sup> This pamphlet narrates an instance of parricide committed by a Catholic priest. For my purposes here, I will focus on the unnatural metamorphic impact that the sinful religion of the priest has on his body. According to Closse, the sinful 'heresie' of the Catholic priest causes the murder.<sup>122</sup> Because this man is Catholic, he is, for Closse a heretic and '[h]eresie and false religion [...] transformeth [...] whole natures'.<sup>123</sup> As various biblical verses evidence for Closse,<sup>124</sup> the 'transform[ation]' is physical, as well as intellectual and spiritual, since the 'whole nature[...]' of the man is negatively

<sup>116</sup> Ibid., fol. 34<sup>v</sup>: sig. K2<sup>v</sup>.

<sup>117</sup> Ibid., fol. 35<sup>r</sup>: sig. K3<sup>r</sup>.

<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

<sup>120</sup> Grahame is possible thinking here of unnatural and sinful intercourse with a menstruating woman. See Leviticus 15:24, and 15:33, *AV*.

<sup>121</sup> G. Closse, *The Parricide Papist, Or, Cut-throate Catholicke*. (London, 1606).

<sup>122</sup> Ibid., p. 5: sig. B<sup>r</sup>.

<sup>123</sup> Ibid.

<sup>124</sup> 1 Timothy 4:1, 2 Timothy 3:2-3, and Romans 1:26, *AV*. See Closse, *Parricide Papist*, p. 5: sig. B<sup>r</sup>.

affected by heresy.<sup>125</sup> His 'thoughts and desires' become 'vnnaturall', and these, in turn, 'produc[e] effects', or corporeal actions, that are 'odious to GOD [*sic*] and nature'.<sup>126</sup> Consequently, by becoming a heretic, the body of the priest *as* his situation has become 'transform[ed]' and it has turned into an unnatural body that is capable of not only conceiving of the unnatural, monstrous and sinful act of parricide but also of physically carrying it out.<sup>127</sup>

This section has demonstrated that unnaturalness is associated with sinfulness in the context of religious writing. It has also shown that various texts locate human sinfulness in the body and describe it as unnatural physical deformity. In other words, in these cases, sinfulness is located in the body *as* a situation. I shall now show how these notions inform early modern identification, treatment and conceptualization of bodies that break human laws.

### *II.2.iii. Illegal Bodies: Breaking Human Laws*

Having shown that unnatural and sinful bodies are associated with each other and that within this association the body *as* a situation is highlighted through the emphasis placed on the deformity of the body, I will now show that these associations and this emphasis inform the early modern understanding of bodies that break human laws. Accordingly, I shall now discuss a selection of popular accounts of crimes and criminals, corporeal judicial punishments and several accounts of how dead bodies that were identified as criminal were treated. I will also discuss two groups of statutes and the use of the body as evidence in court and in murder investigations.

As I will try to demonstrate, these early modern texts and practices that deal with bodies that break human laws, particularly criminal laws, view such bodies as illegal as well as sinful and unnatural in accordance with the tripartite correspondence.<sup>128</sup> Furthermore, as I will show, the body *as* a situation is a

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<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

<sup>128</sup> It must be noted, however, that human laws include canon and common law as well as the accepted sense of morality and orderly behaviour in society. Although not criminal acts, the breaking of these laws was viewed as a misdemeanour and could result in prosecution in the

fundamental part of how the body of a criminal is identified, treated and imagined since the focal point of attention is the material state of such a body; specifically, the manifestation of the unnaturalness of the body of the criminal as monstrous, physical deformity. As these texts and practices reveal, the identification of the criminality of a body can occur in one of two complex ways. But, in all cases, corporeal abnormality plays a significant part. On the one hand, once a body has been identified as criminal, it is also identified as sinful and unnatural and is expected, therefore, to provide evidence of its unnaturalness in some type of physical deformity. Not all bodies provide such evidence; nevertheless, they are still imagined to be deformed in some manner since in committing a crime they have broken natural laws as well as human and divine ones. Consequently, in order to make such perceived corporeal unnaturalness visible, judicial corporeal punishments deform bodies of criminals. On the other hand, instances in which a body behaves abnormally and instances of visible corporeal deformity are taken as evidence of the sinfulness and criminality of the body in question; either because the body is understood to have already committed a crime which has resulted in the corporeal abnormality, or because the corporeal abnormality indicates the inherent criminal nature of the body. Because such bodies are conceived in terms of sinfulness, unnaturalness and physical deformity as well as illegality, I have chosen to refer to them as criminalized, rather than criminal, to distinguish this cluster of meanings from our sense of 'criminal' and to emphasise their historical specificity.

One of the most immediate sources that illustrate the early modern view of bodies that have broken the law is the popular literature. Both the pamphlets and ballads describe a wide variety of serious crimes, such as murder, heresy and arson, in terms of sinfulness and unnaturalness as well as illegality. These texts also describe the perpetrators in these terms, placing particular emphasis on their bodies as unnatural and monstrous. As we have just seen in Closse's pamphlet, the parricide undergoes an 'vnnaturall' physical metamorphosis because of his sinful heresy, causing him to unnaturally, sinfully, and illegally commit parricide.<sup>129</sup> Similarly, fathers who murder their children, such as John Rowse

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ecclesiastical courts. As I will demonstrate later, these laws also inform the early modern understanding of the criminalized body.

<sup>129</sup> Ibid.

whose crimes are related by John Taylor in his pamphlet *The Vnnaturall Father* (1621), are seen as perpetrating 'inhumane Traged[ies]', while their 'deede[s]' are 'vnfatherly and vnnaturall'.<sup>130</sup> Murdering mothers, such as those depicted in Martin Parker's ballad, *No naturall Mother* (c. 1633), are seen as unnatural 'Monster[s]'.<sup>131</sup> The anonymous pamphlet, *A Pittillesse Mother* (1616), views such women 'who by nature should haue cherisht [...] [their children] with [their] owne bod[ies]' as worse than 'any Beast whatsoeuer'.<sup>132</sup> Heretics, who are guilty of sinful as well as illegal theological beliefs, are described as 'monstrous' men who 'ha[ve] their hands ouer deep in most barbarous & inhumaine treasons'.<sup>133</sup> Arsonists too are seen as 'damned monster[s]'.<sup>134</sup>

In all these texts, as well as countless others, the influence of the perceived correspondence between natural, divine and human laws can be seen; not only are the crimes seen as unnatural and monstrous, sinful and demonic as well as clearly illegal, but so too are the bodies that commit them. This connection between how crimes and the bodies of criminals are understood is not restricted to popular culture; it is apparent in judicial corporeal punishments of the period. The types of physical deformities that are the result of judicial punishment demonstrate that there is a perceived physical correspondence between the seriousness of the crime that has been committed and the body *as* a situation that has committed it. The punishments also demonstrate the need to make the imagined unnaturalness of the body of the criminal visible.

For example, one method of punishing a convicted scold was to make her wear the 'branks' or 'scold's bridle'. The bridle was a metal helmet fitted with a

<sup>130</sup> John Taylor, *The Vnnaturall Father* (London, 1621), sigs B2<sup>r</sup> and C<sup>r</sup>, respectively. Another case of paternal infanticide committed by one Walter Calverley of Yorkshire is related in the anonymous pamphlet *Two most vnnaturall and bloodie Murthers* (London, 1605) and is the subject of the main plot of the domestic tragedy, *A Yorkshire Tragedy. Not so New as Lamentable and true* (London, 1608) which has most recently been attributed to Thomas Middleton with Shakespeare's possible collaboration. See 'Introduction' in *A Yorkshire Tragedy*, ed. by A. C. Cawley and Barry Gaines, *The Revels Plays*, ed. by E. A. J. Honigmann, and others (Manchester: Manchester University Press, 1986). For another account of paternal infanticide see Anon., *Sundrye strange and inhumaine Murthers* (London, 1591).

<sup>131</sup> M[artin] P[arker], *No naturall Mother* (London, c. 1633), in *A Pepysian Garland: Black-Letter Broadside Ballads of the Years 1595-1639. Chiefly From the Collection of Samuel Pepys*, ed. by Hyder E. Rollins (Cambridge: Cambridge University Press, 1922), pp. 425-30 (p. 425).

<sup>132</sup> Anon., *A pittillesse Mother* (London, 1616), sig. A3<sup>v</sup>.

<sup>133</sup> Anon., *A True Report of the Araignment, tryall, conuiction, and condemnation, of [...] Robert Drewrie*, sig. D2<sup>r</sup>.

<sup>134</sup> Anon., *The Araignment of John Flodder and his wife* (London, c. 1615), in *Pepysian Garland*, ed. by Rollins, pp. 54-59 (p. 57).



piece of metal, similar to the bit of a horse's bridle, which was inserted into the mouth. This bridle identified the woman as a criminal to those around her, while also demonstrating the nature of her crime. Additionally though, the bridle effected an unnatural physical change in the woman since it prevented the woman from talking. The same logic can be seen in the practices of facial and bodily mutilation. For example, thieves and forgers, whose crimes involved manual offences, had their hands chopped off. In the same vein, the bodies of various criminals were branded with the first letter of the crime they had committed such as 'P' for perjury and 'M' for manslaughter.<sup>135</sup> Both mutilation and branding function like the branks. On the one hand, these visible physical changes announce the criminal status of the bodies, as well as the nature of the crimes committed. On the other hand, mutilation and branding also result in visible physical deformity. In both cases, however, an indelible change is made to the body of the criminal *as* his or her situation.

Perhaps one of the clearest articulations of this early modern logic is found in Sir Edward Coke's exposition of the rationale of one of the harshest punishments reserved for the most heinous crimes, such as attempted regicide: drawing, hanging and quartering.<sup>136</sup> In his summation at the trial of the Gunpowder Plotters in 1606, Coke shows that this punishment is grounded in the body that has broken human laws itself.<sup>137</sup> There is a direct correlation between the perceived violations of the body of the attempted regicide and the violent physical judicial punishments it is subjected to.<sup>138</sup> Coke's exposition also explicitly describes the body of criminal as deviating from the tripartite correspondence.

Invoking the correspondence between human, divine and natural laws, Coke states that treasonous rebellion against the King is treasonous rebellion against God and nature. Since the traitor 'hath been retrograde to nature', i.e.

<sup>135</sup> See Brian Innes, *The History of Torture* (Leicester: Blitz Editions, 1999), pp. 58-59.

<sup>136</sup> Although we now say 'hanged, drawn and quartered', criminals were first drawn at the back of a cart to the place of execution and then partially hanged in early modern England.

<sup>137</sup> Sir Edward Coke as cited in '80. The Trials of Robert Winter, Thomas Winter, Guy Fawkes, John Grant, Ambrose Rockwood, Rob. Keyes, Thomas Bates, and Sir Edward Digby, at Westminster, for High Treason, being Conspirators in the Gunpowder Plot: 3.JAC.I.27th Jan. A. D. 1606', in William Cobbett, *Cobbett's Complete Collection Of State Trials*, 33 vols (London: R. Bagshaw; Longman and Co., 1809-26), II (1809), cols 159-95 (c. 184).

<sup>138</sup> In keeping with Sharpe's observations on the purposes of public execution in *Judicial Punishment*, pp. 26-27, Coke's exposition points out that the purposes of judicial punishment include deterrence and punishment.

unnatural, he is no longer entitled to participate in the natural order of things;<sup>139</sup> he is 'not worthy any more to tread upon the face of the earth whereof he was made [...] therefore is he drawn backward at horse tail'.<sup>140</sup> His head, which 'God [...] made [...] the highest and most supreme part [...]', 'must be drawn [...] declining downward, and lying so near the ground as may be, being thought unfit to take benefit of the common air'.<sup>141</sup> Furthermore, the disorder of the traitor's actions must be mirrored in a disordering of his body. The 'cut[ting] off' and 'burn[ing]' of the traitor's 'privy parts' before him, while still 'alive', is the result of his demotion in the ranks of humanity.<sup>142</sup> Such a person, who is capable of carrying out such a monstrous and sub-human act, is 'unworthily begotten, and' is consequently 'unfit to leave any generation after him'.<sup>143</sup> 'His bowels and inlay'd parts' are also to be 'taken and burnt' since it is within his viscera that the illegal, sinful and unnatural gestation has taken place; it is within his body, specifically 'in his heart', that he has 'conceived and harboured [...] such horrible treason'.<sup>144</sup> A similar fate awaits the traitor's head which has 'imagined the mischief'; it is to be 'cut off'.<sup>145</sup> The final quartering and public exhibition of the body is the final stage of the de-formation of the traitor's body. Such drastic dismembering deforms the body and renders it a parody of the human form. Not fit for human, let alone Christian, burial, this body is fit only for bestial consumption. It is to 'become a prey for the fowls of the air'.<sup>146</sup> This form of judicial punishment locates the origin of criminal behaviour as being within the body, not just the mind or head. In other words, the body of the criminal *as* his situation is identified as the source of the crime. Consequently, such punishment is inflicted on the entire body of the regicide.

The punishments for criminals, such as scolds and thieves, and Coke's exposition, support the recent historical arguments for the non-arbitrariness of

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<sup>139</sup> Coke as cited in 'Trials', c.184.

<sup>140</sup> Ibid.

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

<sup>143</sup> Ibid.

<sup>144</sup> Ibid. See Matthew 15:19, *AV*: 'For out of the heart proceed evil thoughts, murders, adulteries, fornications, thefts, false witness, blasphemies'.

<sup>145</sup> Coke as cited in 'Trials', c. 184. This section shows that the Cartesian distinction between body and mind is not made here.

<sup>146</sup> Ibid. Coke's exposition appears to have impacted on at least two early modern writers. There are echoes of Coke's words in Wroth's *Urania*, ed. by Roberts, pp. 360-61 and Joshua Reynolds' highly popular work *The Trivmphes Of Gods Revenge* (London, 1635), p. 303: sig. Dd4<sup>r</sup>.

early modern English judicial corporeal punishments. As the above examples show, the judicial treatment of the body of the criminal corresponds to the type of crime that is committed and its seriousness. Such punishments, with their emphasis on physical deformity, also provide insight into how the body which broke human laws was understood. Most immediately, the physical deformities that are inflicted on the body of the criminal are judicial punishments for the commission of the crime. However, as we have seen, physical deformity in the human body is also understood as unnaturalness, which is the consequence of natural laws being broken, as well as being strongly associated with sinfulness, which is the result of breaking divine laws. By physically deforming the body of the criminal in various ways, then, judicial punishments can be seen to mark such a body as not only criminal, but also as unnatural and sinful. In other words, the body of the criminal is understood to have broken human, divine and natural laws and is identified as such through physical deformity. Indeed, the emphasis on physical deformity in judicial punishments can be seen to derive from the early modern understanding of monstrosity. In deforming the body of the criminal, corporeal judicial punishments change the nature of the body, and, in doing so, 'monstrify' the body so that it demonstrates (*monstrare*) and warns (*monere*) other people of its illegal, sinful and unnatural status. Additionally, this emphasis on physical deformity bespeaks an anxiety regarding the criminal body: its potential lack of visible evidence of its criminality. Although the criminal body is understood to be unnatural and unnaturalness in the human body is understood to be manifested as some type of monstrous physical deformity, not all criminal bodies visibly evidence their unnaturalness. Consequently, by effecting physically deforming changes in the criminal body, the punishments can be seen to make the perceived necessary physical evidence of the unnaturalness of the body visibly evident. And, finally, in carrying out punishments that are aimed directly at the body of the criminal and result in visible physical changes, the body of the criminal *as* a situation can be seen as the focal point of such punishments.

However, as Coke's exposition also suggests, the punishment of a body that has broken human laws does not end with death. Even after death, such a body remains the focal point of punitive procedures. Most famous perhaps, is the anatomical dissection of the corpse of the felon which, as Jonathan Sawday

demonstrates, was seen as the final stage of punishment.<sup>147</sup> However, Sawday does not connect the dissection of the felonious corpse with physical deformity and the early modern understanding of the criminalized body. Anatomical dissection resulted in one of the most extreme forms of physical deformity.<sup>148</sup> As so many illustrations in anatomical works vividly show, dissected bodies assume unnatural, monstrous positions and physically deformed states.<sup>149</sup> In subjecting the felonious corpse to anatomical dissection, early modern punishments also ensure its complete physical deformity and monstrous deviation from the norm, thus fulfilling the requirements of the correspondence between divine, natural and human laws. After anatomical dissection, the body of the felon, which is already known to have broken human and divine laws, also visibly breaks natural laws.

Anatomical dissection is not the only manifestation of this judicial emphasis on the body of the criminal after death, however. Bizarrely, in 1563, George Gordon, the 4th Earl of Huntley's corpse, was brought into the courtroom, propped up to face charges of treason, found guilty and sentenced accordingly.<sup>150</sup> Nor are the corpses of traitors the only type of corpses to be treated in this manner. In 1557, for example, during the reign of Mary Tudor, the corpses of the divines Paul Fagius and Martin Bucer were exhumed, charged with heresy and burnt at the stake.<sup>151</sup> Just over a hundred years later, on 30 January 1661, the corpses of the regicides Cromwell, Ireton and Bradshaw were disinterred and hanged at Tyburn. Indeed, such treatment of corpses was not

<sup>147</sup> Sawday, *Body Emblazoned*, pp. 54-63. Although Sawday examines the body of the felon in the anatomy theatre, he does not address the practice of vivisectioning the felon on the scaffold anywhere in his work.

<sup>148</sup> Henrie Cornelius Agrippa, for example, scathingly remarks in his indictment of '[a]natomie' in his work, *[O]f the Vanitie and vncertaintie of Artes and Sciences* (London, 1569), that this '[a]rte' which 'tear[s] asunder mans body' is carried out 'with [...] cruell diligence, nolesse [*sic*] wicked, then horrible and abhominable [*sic*] spectacle' (ibid., fol. 153<sup>r</sup>: sig. Rr<sup>r</sup>).

<sup>149</sup> See, for example, the illustrations in Andreas Vesalius, *[D]e Humani corporis fabrica* (Basileae, 1543), pp. 170-208.

<sup>150</sup> For a more detailed account of this, see Harry Potter, *Blood Feud: The Stewarts and Gordons at War in the Age of Mary Queen of Scots* (Stroud, Gloucestershire: Tempus Publishing Ltd; Charleston, South Carolina: Tempus Publishing Inc, 2002).

<sup>151</sup> For various accounts of this, see C. Hubertus, *A brieft treatise concerning the burnynge of Bucer and Phagius, at Cambrydge*, trans. by Arthur Golding (London, 1562); John Hughes and White Kennet, eds, *A Complete History Of England*, 3 vols (London, 1706), II, p. 353: sig. Zz<sup>r</sup>; James Anthony Froude, *History Of England From The Fall of Wolsey To The Defeat Of The Spanish Armada*, new edn, 6 vols (London: Longmans, Green, and Co., 1893), VI (1893), pp. 34 - 36.

restricted to serious crimes. In 1598, for instance, the corpse of Edmund Godfre was arrested for debt in his grave during his funeral.<sup>152</sup>

Clare Gittings posits that this treatment of bodies 'suggests a much less strong differentiation between the living and the dead in legal or quasi-legal matters than is prevalent in the twentieth century'.<sup>153</sup> This lack of differentiation must be understood, Gittings argues, against 'the background of a society in which the decent interment of the dead was a matter of the utmost concern'.<sup>154</sup> This lack of differentiation points again to the importance of the body within the early modern understanding and treatment of bodies that broke the law. It suggests that the body of the criminal is the focal point of judicial attention and punishment, whether the body is alive or dead. As James Froude notes in reference to the burning of Phagius and Bucer, the 'commissioners' responsible were granted judicial 'powers extending, not over the living only, but the dead'.<sup>155</sup> The need for, and implementation of, such judicial 'powers' points to an understanding of the body that breaks the law that is very different to our own.<sup>156</sup> These practises point to a conceptualization of criminal behaviour in primarily physical terms and a sense that the body as a material entity, *as* a situation, is the origin of criminality and that, consequently, the body *as* a situation should be punished.

Further evidence of this particular conceptualization of criminality in physical terms, and the influence of the tripartite correspondence upon it, can be found in some of the statutes of the period, the employment of the body as evidence in court, and the practice of cruentation, or 'corpse touching', in unresolved murder investigations. In these cases, however, bodies are identified as criminal in ways different to those described above. Rather than marking the body of the criminal as physically deviant after the commission of a crime as judicial punishments do, in the statutes, the body is identified as criminal because of its abnormal behaviour. And, in the cases of the legal procedures, the identification of the body as criminal proceeds from instances of visible

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<sup>152</sup> Clare Gittings, *Death, Burial and the Individual in Early Modern England* (London and Sydney: Croom Helm, 1984), p. 66.

<sup>153</sup> *Ibid.*

<sup>154</sup> *Ibid.*, p. 71.

<sup>155</sup> Froude, *History of England*, pp. 35-36.

<sup>156</sup> *Ibid.*, p. 36.

corporeal abnormality and deformity, rather than from certain knowledge of its criminality.

In many of the statutes, the connection between the illegality and sinfulness of crime is made clear through the interchanging of the terms 'vice', 'synne', 'crime' and 'offence'. Additionally, however, the focal point of some of them is the body whose actions deviate from the norm. One such group are the statutes passed against sodomy. The 'detestable and abhominable vice of buggery' 'cōmyttid with mankynde or beaste' is, declare the statutes, a 'felonye', and, the offender 'shall suffer' accordingly.<sup>157</sup> In keeping with various biblical injunctions, particularly those found in Deuteronomy and Leviticus, buggery was regarded in the period as an abhorrent and deviant physical act which broke divine and nature laws.<sup>158</sup> Furthermore, as Jonathan Goldberg points out, buggery, or sodomy, also broke human laws governing society since sodomy was understood as 'a sexual act not aimed at procreation within the bonds of marriage'.<sup>159</sup> Goldberg illustrates that, contrary to twentieth-century conceptions and legislation, the '[e]arlier sodomy laws were directed solely at *acts* because it was presumed that anyone might do them; homo- or heterosexual identity was not in question [*italics mine*]'.<sup>160</sup> Here, the lack of specificity of the legislation acquires an additional importance. Rather than legislating against types of identities or subjectivities, the statutes legislate against physical activities that were perceived to be unnatural, sinful and socially deviant. In doing so, the statutes can be seen to legislate against types of bodies: bodies whose physical nature *as* situations are perceived to be unnatural and sinful since such bodies commit such acts.

Equally striking in their attention to the body are the statutes passed against 'Beggars & Vacabund[es]'.<sup>161</sup> Historians have frequently commented on these statutes in relation to England's socio-politico-economic status, particularly

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<sup>157</sup> 25 HEN.VIII.C.6, S3. See also 2 AND 3 EDW.VI.C.29, S4A, and 5 ELIZ.C.17, S4A. According to 25 HEN.VIII.C.6, S3, the punishment for sodomy includes pain of death as well as the forfeitures demanded by the common law.

<sup>158</sup> See, for example, the injunction against intercourse with beasts in Leviticus 18:23, AV, and Deuteronomy 27:21, AV, as well as the injunctions against homosexuality in Leviticus 18:22; 20:13, AV.

<sup>159</sup> Jonathan Goldberg, *Sodomities: Renaissance Texts, Modern Sexualities* (Stanford, California: Stanford University Press, 1992), p. 9.

<sup>160</sup> Ibid.

<sup>161</sup> 22 HEN.VIII.C.12., S3. See also, for example, 28 HEN.VIII.C.6, S3, and 33 HEN.VIII.C.10, S3.

during the sixteenth century.<sup>162</sup> The preoccupation of these statutes with physicality has, however, been ignored. According to the statutes, an individual's legal right to beg is determined solely by the physical condition of his or her body, by the body *as* a situation. If the individual is '*hole & myghtie in body* [*italics mine*]', then he or she is capable of working and not legally entitled to beg.<sup>163</sup> Conversely, if the individual is 'ymptent', i.e. 'physically weak; [...] unable to use [his or her] limbs,' then he or she is legally entitled to beg within the parish.<sup>164</sup> Once again, the focal point of the legislation is the body and a particular view of abnormal physical behaviour: it is abnormal that a healthy and 'hole' body that is naturally 'able to labour' does not do so.<sup>165</sup>

Underlying the statutes against 'Beggars & Vacabund[es]' is the notion that the physical state of the body, or the body *as* a situation, determines the innocence or guilt of the person and of his or her actions. The emphasis on the body as evidence is not restricted to the legislation, however; it is also apparent in various court procedures. One of the most famous examples of the body providing evidence in a court of law is the 'witch's mark'. As innumerable early modern texts and contemporary scholars note, the bodies of accused witches were searched for physical abnormalities that indicated demonic intercourse, such as inexplicable large growths, immunity to pain and a lack of blood when pricked. Recently, historians such as Laura Gowing and Vanessa McMahon have focused on the judicial searches carried out on the bodies of women accused of infanticide by female jurors.<sup>166</sup> These matrons decided whether an accused woman had recently given birth, or, alternatively, whether a woman was a virgin. Such female juries were also employed in other cases, such as annulments, in

<sup>162</sup> See, for example, A. L. Beier, *Masterless Men: The Vagrancy Problem in England 1560-1640* (London and New York: Methuen, 1985), and 'Vagrants and the Social Order in Elizabethan England', *Past and Present*, 64 (1974), 3-29; Thomas J. Kelly, *Thorns on the Tudor Rose: Monks, Rogues, Vagabonds and Sturdy Beggars* (New York: University Press of Mississippi, 1977). For an account of the question of the historical reality of representations of beggars and vagabonds in the popular literature of the period see Poires, 'The Intersection of Poor Laws and Literature'.

<sup>163</sup> 22 HEN.VIII.C.12, S3.

<sup>164</sup> Respectively: *ibid.*, and *OED*, 2. The sense of 'impotent' as 'wholly lacking in sexual power; incapable of reproduction', *OED*, 2.b., does not come into usage until 1615, while the beggar-nuance of 'sturdy' warrants an entry in the *OED* to itself: *OED*, A.II.5.c.

<sup>165</sup> 22 HEN.VIII.C.12, S3. The focal of point of non-legislative texts dealing with beggars and vagabonds is also the non-deformed body. See, for example, Robert Copland, *The hye way to the Spyttell hous* [*sic*] (London, 1535); Harman, *Caueat or Warening, For Commen Cvrsetors*; John Higgins, *A Mirrovr For Magistrates* (London, 1610).

<sup>166</sup> See Gowing, *Common Bodies*, and McMahon, *Murder in Shakespeare's England*.

which the impotence of a husband was alleged. One of the most prominent early seventeenth-century examples of this is the physical investigation undergone by Frances Howard, the Countess of Essex, later Somerset, in order to secure the annulment of her marriage to Robert Devereaux, the Earl of Essex.<sup>167</sup> All these examples suggest that the emphasis is placed on the materiality of the body and what it reveals; the emphasis is placed on the body *as* the individual's situation to provide evidence of the individual's acts and of his or her innocence or guilt.<sup>168</sup>

Another area of early modern legal practice in which the body of the perpetrator, the body of the victim and unnatural physical behaviour are central is the practice of cruentation, or 'corpse-touching', in unsolved murder cases. This practice literally entailed the suspected murderer touching the corpse of the victim. It was believed that when the murderer touched the corpse, or was simply brought into close physical proximity, the corpse would provide visible, and therefore irrefutable, evidence of the identity of the murderer. For example, blood would gush from the death wound or the corpse would lift up a finger and point at its murderer. Cruentation suggests the importance placed on the materiality of the body of the murderer since when it is placed in the physical presence of the victim, the body of the murderer generates the proof of the crime. And, rather than dismissing it as superstition or ignorance, the efficacy and validity of cruentation was upheld by the authorities: the legal, the clerical and the academic.<sup>169</sup>

Sir John Maynard, a Sergeant-at-law, records one such instance in considerable detail in *The Case of a Murther in Hertfordshire*.<sup>170</sup> Suspicions surrounding the suicide of Jane Norkott in Hertfordshire (1628-29) resulted in the exhumation of her corpse. In the presence of several legal and religious officials, Norkott's corpse was touched by her husband, grandmother, sister, and

<sup>167</sup> For a detailed account of this, see Anne Somerset, *Unnatural Murder: Poison at the Court of James I* (London: Phoenix, 1998; repr. 2000).

<sup>168</sup> Such emphasis on the body as the indicator of innocence or guilt is also found in the popular literature. The ballad relating the life and crimes of Susan Higges, for example, claims that she is finally identified as a murderess because several spots of blood of her final victim attach themselves to her face and cannot be removed. See Anon., *A true Relation of one Susan Higges* (London, [1635?]), in *Roxburghe*, ed. by Chappell and Ebsworth, I.2.424-25. Alternatively, an anonymous pamphlet relates how an innocent person was hanged and was still alive five days afterwards, evidencing his innocence. See Anon., *A True relation of Go[ds] vvonderfull mercies* (London, 1605).

<sup>169</sup> See Gaskill, *Crime and Mentalities*, pp. 227-31.

<sup>170</sup> Sir John Maynard, *The Case Of A Murther In Hertfordshire* (London, 1699).



brother-in-law. The effect was palpable. Among other visible signs, the corpse 'opened one of her Eyes, and shut it again [...] three several times'.<sup>171</sup> The corpse also 'thrust out the [...] Marriage Finger 3 [*sic*] times, and pulled it in again'.<sup>172</sup> The conjunction of the results of the cruentation with the impossibility of the dead woman having both broken her neck and cut her own throat secured the conviction and execution of Norkott's husband and her grandmother for her murder.

Such 'accounts of corpse-touching', argues Malcolm Gaskill, 'should be seen' primarily '[...] as a formal means of confirming existing suspicions, or even articulating popular convictions'.<sup>173</sup> Nevertheless, three things must be highlighted here. No matter how bizarre and impossible the belief in cruentation seems to us, the early moderns themselves believed in it.<sup>174</sup> Secondly, the focus of cruentation is on unnatural physical behaviour: the unnatural physical behaviour of the corpse of the victim and the unnatural physical effect the body of the murderer has on the corpse. And, thirdly, belief in cruentation is authorised by both divine and natural laws. As the popular, anonymous *Problems of Aristotle* expounds, the murdered corpse will provide divinely-sanctioned evidence against its murderer because the 'blood' of the victim 'doth cal for revenge'.<sup>175</sup> Concomitantly, the wounds of the corpse will physically, and naturally, respond to the humoral 'spirits' of the murderer which are projected from his or her eyes as a result of the 'heat' which the guilt of the murderer generates in his or her body.<sup>176</sup> In other words, the physicality of the body of the murderer, or his or her body *as* his or her situation, engenders these unnatural physical changes in the body of the victim. Inherent in both divine and natural authorisations of cruentation is the correspondence between the victim's body and the criminalized body. Only the body of the true murderer and its presence

<sup>171</sup> Ibid., fol. [1]<sup>v</sup>.

<sup>172</sup> Ibid.

<sup>173</sup> Gaskill, *Crime and Mentalities*, p. 230.

<sup>174</sup> Here, I am drawing on Gaskill's similar observation about witchcraft cases; the need to remember that the vast majority of those involved in witchcraft cases actually believed in witches and witchcraft (ibid., pp. 36-37). I believe that we should adopt Gaskill's attitude in relation to other early modern practices and beliefs that we find obscure, such as cruentation.

<sup>175</sup> Anon., trans., *The Problems Of Aristotle* (London, 1647), sigs B7<sup>r-v</sup> (sig. B7'). This anonymous translation of Angelo Politiano, *Problemata Aristotelis ac philosophorum medicorumque complurium. M. A. Zimaræ Sanctipetrinatis problemata. Angelo [Ambrogini] Politiano interprete* (London, 1583) was first printed in 1595 and subsequently reprinted in 1597, 1607, 1614, 1638, and 1647.

<sup>176</sup> Anon., trans., *Problems*, sigs B7<sup>r-v</sup>.

can elicit unnatural physical events from the body of the victim that prove the identity of the perpetrator.

In this section, I have demonstrated that, in keeping with the early modern understanding of crime, the body of the criminal is seen as illegal, sinful and unnatural, while also being identified as physically deformed; sometimes it is imagined to be physically deformed and sometimes it is made physically deformed. This section has also demonstrated that abnormal physical behaviour and corporeal deformity can result in the body being seen as sinful as well as either criminal or potentially criminal. In both cases, the body is understood in terms of its deviance from the correspondence among divine, natural and human laws, and, because the body is seen as unnatural, it is also thought of in terms of monstrous physical deformity. Since the meanings ascribed to such bodies exceed criminality, and since these meanings are associated with bodies whose illegal status is not always clear or determined by the judicial system, I have chosen to refer to bodies that are understood in terms of illegality, sinfulness, unnaturalness and physical deformity as criminalized. This section also suggests that in the context of crime, the body is conceived of in a particular way; the materiality of the body, or the body *as* a situation, is the focal point of attention. This, then, suggests that such bodies occupy a particular position in relation to constructions of subjectivity. That is to say, the criminalized body *as* a situation is the basis for the construction of criminalized subjectivity. Accordingly, I shall now examine this relationship in more detail.

### ***II.3. The Unnatural, the Sinful, and the Illegal 2: Constructing Criminalized Subjectivity and the Process of Criminalization***

This section explores the impact of the early modern English understanding of the criminalized body on the construction of criminalized subjectivity in order to substantiate my claim that the criminalized body is the basis for the construction of criminalized subjectivity. This will illustrate that the criminalized body presents a non-Cartesian model of physicality. I will also attempt to illustrate the existence and importance of the social process of identifying and constructing criminalized subjectivity prior to the involvement of the judiciary. This

illustration is informed by, and supports, the conclusions of recent historical scholarship that early modern English society played a prominent role in the identification and treatment of criminals before the judiciary, judicial procedures and institutions became involved.

One text that exemplifies the centrality of the body to the construction of criminalized subjectivity and the social process of criminalization is *The Witch of Edmonton* (1658).<sup>177</sup> I will show that William Rowley, Thomas Dekker, and John Ford's construction of Elizabeth Sawyer's subjectivity as a witch emphasises her physically deformed body. In other words, this play examines how a body can be criminalized on the basis of physical deformity; how a body is identified as sinful and suspected of criminal behaviour because it is visibly deformed. I will also show that the dramatists highlight the fact that this process takes place in the social, not the judicial, sphere, and that this process impacts on the construction of Sawyer as a criminal, both by her and those around her. In doing so, I will try to show that, in the context of the construction of criminalized subjectivity, a distinction is made between two aspects of the body that can be most accurately described as the distinction between the body *as* a situation: the material reality of the body which includes its physical deformity, and the body *in* situations: the social and discursive contexts in which the body is located. I am not claiming here that early modern English texts articulate such a distinction in these terms but that Moi's revisionist account of De Beauvoir's theory of embodied subjectivity provides the most useful way to think about criminalized bodies and subjectivity in this period.

In 1621, Elizabeth Sawyer was hanged for witchcraft and it is she who is the *Witch of Edmonton*.<sup>178</sup> One of the most striking aspects of the play is its insightful, sensitive construction of Sawyer as woman who is first erroneously suspected of the crime of the witchcraft but who later becomes guilty of the offence. In their construction, the dramatists explicitly connect Sawyer's physical

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<sup>177</sup> Rowley, Dekker and Ford, *Witch of Edmonton*.

<sup>178</sup> For another account of Elizabeth Sawyer, see Goodcole, *The wonderfull discoverie of Elizabeth Sawyer*, which relates the examinations, trial, confession and execution of Sawyer. Although Rowley, Dekker and Ford change and ignore some of the details in Goodcole's pamphlet, a recent editor of the play notes where the dramatists appear to have drawn on Goodcole's account. See Arthur F. Kinney's notes in *Thomas Dekker, John Ford and William Rowley: The Witch of Edmonton*, ed. by Arthur F. Kinney, New Mermaids, ed. by Brian Gibbons (London: A and C Black; New York: W. W. Norton, 1998).

deformities to her construction as a witch by society. Consequently, Rowley, Dekker and Ford also highlight the importance of society and the social sphere in the construction of criminalized subjectivity prior to the involvement of the judiciary.<sup>179</sup> The dramatists can be said, therefore, to recognise the importance of the material reality of Sawyer's body *as* her situation and the importance of the situations *in* which Sawyer finds herself, as well as how both Sawyer's body *as* and *in* inform how her subjectivity is constructed, both by herself and others.

This is immediately evident in Sawyer's opening soliloquy in Act II.i.<sup>180</sup> The first thing Sawyer highlights is her body and its physical deformity. Sawyer is, as she says, 'deform'd [...] / And like a Bow buckl'd and bent together [...]'.<sup>181</sup> And, she says, it is primarily for 'that'; her physical condition rather than her poverty and ignorance, that she '[m]ust' be the recipient of the 'scandalous malice' of society.<sup>182</sup> More pathetically still, Sawyer is not responsible for her deformity: she has been 'buckl'd and bent together, / By some more strong in mischiefs then [her] self'.<sup>183</sup> Some external source of 'wickedness' or 'evil-doing' may have caused her deformities, but Sawyer has not; she has not committed an unnatural act that has manifested itself in her body *as* her situation as monstrosity.<sup>184</sup>

Here, Rowley, Dekker, and Ford clearly satirise the cultural stereotype of witches as old, poor, widowed or single, and deformed women.<sup>185</sup> More importantly, however, they emphasise the centrality of the physically deformed body to the construction of criminalized subjectivity. Because Sawyer is deformed, she visibly breaks natural laws, and, consequently, she is seen as

<sup>179</sup> As we have seen in Chapter I, recent historical scholarship has demonstrated the importance of society's role in the identification and treatment of criminals in the early modern period.

<sup>180</sup> Rowley, Dekker and Ford, *Witch of Edmonton*, p. 13: sig. C3<sup>r</sup>. This is the first time the audience not only sees Sawyer, but also hears about her. Given the title of the play, the audience would have known that Sawyer was going to appear at some point in the play and it is plausible that a percentage of the audience would already be acquainted with the details of Sawyer's case, owing to the circulation of Goodcole's pamphlet. Nevertheless, this does not diminish from the impact of Sawyer's opening speech in the context of the play itself and its structure.

<sup>181</sup> Rowley, Dekker and Ford, *Witch of Edmonton*, p. 13: sig. C3<sup>r</sup>.

<sup>182</sup> Ibid.

<sup>183</sup> Ibid.

<sup>184</sup> OED, 6.

<sup>185</sup> As Reginald Scot notes deridingly in *The discouerie of witchcraft* (London, 1584), the type of women traditionally identified as witches are 'women which be commonly old, lame, bleare-eid, pale, fowle, and full of wrinkles; poore, sullen, superstitious [...] are leane and deformed, shewing melancholie in their faces [...] They are doting, scolds, mad, diuelish; [...]' (ibid., p. 7: sig. C.iiij.<sup>v</sup>).

sinful and assumed to be criminal. Furthermore, because she is deformed and an old woman, she is criminalized by society as a witch. The criminalization of Sawyer is not based on her actions, her speech, or her disembodied self, but is based first and foremost on her deformed body. Moreover, the use of these notions in a play composed for, and performed on, the popular stage suggests the extent to which these notions constitute a widespread mental framework outside the theatre. The emphasis Sawyer places on her physically deformed body as the basis for her construction as a witch suggests the audience would not only immediately recognise and understand, but also probably employ, this framework.

The dramatists also apparently distinguish between the body *as*, and the body *in*, a situation. The dramatists emphasise the material reality of Sawyer's body *as* her situation; its physical deformities, its biological sex and its age, and stress how her possession of such a body impacts on her experience of the world. Similarly, by identifying Sawyer's deformed body as the primary source of the 'scandalous malice' of society, the dramatists highlight the impact of Sawyer's body *as* her situation on those around her, as well as their experience of, and engagement with, her.<sup>186</sup> At the same time, the dramatists recognise the situation *in* which Sawyer's body *as* her situation is placed: she is 'poor' and 'ignorant'.<sup>187</sup> Consequently, Sawyer's deformed body is situated within an underprivileged social class that precludes her access to material comfort and to education.

Tragically, the combination of Sawyer's body *as* her situation and the situation her body is placed *in* results in 'Some call[ing] [her] VVitch'.<sup>188</sup> The social identification and construction of Sawyer as a witch is based on the conjunction of her body *as* her situation and the situation *in* which it is. And, as Sawyer reveals, this impacts considerably on her construction of herself. By telling Sawyer she is a witch who performs sinful, unnatural and illegal acts, society provides Sawyer with a ready-made criminalized subjectivity. And, the insidious effect of this on Sawyer's own construction of herself is clear.

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<sup>186</sup> Rowley, Dekker and Ford, *Witch of Edmonton*, p. 13: sig. C3<sup>r</sup>.

<sup>187</sup> Ibid.

<sup>188</sup> Ibid.

Criminalized subjectivity based on her body is 'enforce[d] upon [Sawyer][...]' by society 'and, in part / Makes [her] to credit it'.<sup>189</sup>

Immediately after her soliloquy, we see two violent demonstrations of the social 'enforce[ment]' of criminalized subjectivity on Sawyer. Old Banks, 'one / Of [her] chief Adversaries', finds Sawyer collecting sticks on his land.<sup>190</sup> After addressing her as 'VVitch', he proceeds to abuse her, first verbally and then physically.<sup>191</sup> His abuse is so violent that he adds to her physical disabilities by laming her.<sup>192</sup> After Banks exits, a group of Morris dancers appear and continue to abuse Sawyer. They too refer to her as '[t]he old Witch of *Edmonton*' and draw our attention to another physical deformity: she only has one eye.<sup>193</sup>

Although brief, these two episodes are very important to the construction of Sawyer's subjectivity. On one level, they clearly show us the types of abuse Sawyer is subjected to. On another level, these two episodes constitute part of Sawyer's lived experience. As Moi argues, the lived experience of the subject fundamentally informs his or her construction of subjectivity. Sawyer's lived experience of these two episodes, in conjunction with her previous experiences, causes her to reiterate her lamentations. Crucially, however, this is also the moment Sawyer reaches 'breaking point' with her construction as a witch by her society, and, she decides to change. In articulating her desire for revenge, Sawyer signals her rejection of her previous passive acceptance of her social construction as a witch. And even though she remains 'ignorant' of the actual processes of witchcraft, she decides that she will use witchcraft if she is given the knowledge.<sup>194</sup> Sawyer makes a conscious decision to become the very thing that she is not, but is accused of being. As she chillingly concludes, '[t]is all one, / To be a VVitch, as to be counted one'.<sup>195</sup>

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<sup>189</sup> Ibid.

<sup>190</sup> Ibid.

<sup>191</sup> Ibid.

<sup>192</sup> See *ibid.*, p. 14: sig. C3<sup>v</sup>.

<sup>193</sup> *Ibid.*, p. 15: sig. C4<sup>r</sup>.

<sup>194</sup> *Ibid.*, p. 13: sig. C3<sup>r</sup>.

<sup>195</sup> *Ibid.*, p. 16: sig. C4<sup>v</sup>. Sawyer's choice to become a witch, if provided with the opportunity, demonstrates the concept of 'freedom' in Moi's account of the process of the construction of subjectivity. Even though Sawyer is poor, ignorant and criminalized by her society, she is not entirely powerless. She has the freedom to choose whether to react to her criminalization and how. At the same time, Sawyer's choice also demonstrates the impact of the world upon the projects of the individual. Sawyer can only become a witch once she is provided with the knowledge that she does not currently possess. By the same token, by choosing witchcraft as her project, Sawyer's 'freedom' is constrained by her world viewing witchcraft as a felony.

Predictably, at this point the Devil appears to Sawyer as a black dog. Predictably too, Sawyer exchanges her body and soul for the revenge she so desperately craves, becomes a witch and commands him to inflict as much damage as possible on her enemies.<sup>196</sup> Later, Act IV reveals Sawyer's pact with the Devil does, in fact, yield dividends. In Act IV.i. several characters complain of their various misfortunes, convinced of Sawyer's responsibility and guilt. Ironically, their convictions in this instance are well founded. When Sawyer appears, the situation escalates and she is only saved from a probable lynching by the timely entrance of the sceptical Justice.

In denying the charges of witchcraft to the Justice, Sawyer embarks on a scathing critique of other people whose social practices are equally, if not more, sinful and malevolent than those of which she stands accused.<sup>197</sup> Such people include the aristocracy, the 'painted' women at court, extravagant city wives, scolds, lawyers, and male seducers.<sup>198</sup> Such people, she claims, commit '[s]in[s] in fouler shapes then can be wrought' by witchcraft.<sup>199</sup> Witchcraft, argues Sawyer, can never produce such degrees and types of sinfulness that the acts of these people do. Consequently, in her opinion, such people are more dangerous and more sinful than she is. Such people, claims Sawyer, 'are within far more crooked then [she is]'.<sup>200</sup> If 'crooked[ness]', or physical deformity, is an index to criminalized subjectivity, then many other people are more deserving of criminalization and punishment than Sawyer is.<sup>201</sup> Such deformity, however, is internal, not external. Consequently, because the bodies *as* the situations of such people do not provide visible evidence of their unnaturalness and associated sinfulness and criminal behaviour, the law '[c]asts not an eye on these' and does

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<sup>196</sup> Although Rowley, Dekker and Ford are clearly critical of cultural assumptions about witches and witchcraft, they do not dismiss witches, witchcraft and demonology out of hand. Sawyer is not the only person in the play to engage with the Devil-as-Dog; Cuddy Banks also encounters him, has conversations with him and ultimately decides not to enlist his services. This suggests that the dramatists do not see the Dog-as-Devil as a figment of Sawyer's imagination, but as a real and tangible, if evil and malevolent, presence. However, in their depiction of the Dog-as-Devil in Act II.i., 'Come, do not fear, [...] To give thee just revenge against thy foes' (ibid., p. 16: sig. C4<sup>v</sup>), the dramatists strongly indict the society in which Sawyer lives. It is the Dog-as-Devil who recognises society's un-Christian sentiments and treatment of Sawyer. The dramatists also suggest that witchcraft is indeed the only avenue left open to Sawyer for restitution. As Sawyer notes soon after this, 'I know not where to seek relief' (ibid.).

<sup>197</sup> See ibid., pp. 40-42: sigs F4<sup>v</sup>-G<sup>v</sup>.

<sup>198</sup> Ibid., p. 41: sig. G<sup>f</sup>. See also ibid., pp. 40-42: sigs F4<sup>v</sup>-G<sup>v</sup>.

<sup>199</sup> Ibid., p. 41: sig. G<sup>f</sup>.

<sup>200</sup> Ibid., p. 40: sig. F4<sup>v</sup>.

<sup>201</sup> Ibid.

not criminalize them.<sup>202</sup> Through Sawyer's scathing attack, the centrality of physical deformity to the construction of criminalized subjectivity is again highlighted.

To stress this point, Sawyer reiterates her rhetorical question in her opening soliloquy as to why she should be singled out as a witch.<sup>203</sup> '[A]ge,' Sawyer notes, used to command respect and '[r]everence'.<sup>204</sup> However, '[n]ow an old woman / Ill-favour'd grown with years, if she be poor, / Must be called Bawd or VVitch'.<sup>205</sup> Sawyer suggests here that an 'ill-favour'd' old woman who is not poor will not find herself constructed as a witch by society because the situation *in* which her body is placed precludes such a construction.<sup>206</sup>

Sawyer's conversation also shows the importance of her lived experience to how she constructs herself. Between Sawyer's pact with the Devil and her critical debate with the Justice, Sawyer experiences, possibly for the first time in her life, a measure of empowerment through her vengeance. Consequently, the lived experience of Elizabeth Sawyer of Act IV is not the lived experience of Elizabeth Sawyer of Act II. Her newly acquired sense of empowerment becomes part of her 'situatedness' and enables her to engage in such a bold discussion with the Justice.<sup>207</sup> These palpable changes in Sawyer's actions and speech demonstrate the extent to which lived experience can effect changes in, and become part of, a subject's construction of him or herself.

Tragically for Sawyer though, this change in her subjectivity comes at a price. Her newly constructed empowered subjectivity is achieved only through committing the crime of witchcraft. Consequently, as hypocritical as the law may be, as unfair and unjustified as the construction of criminalized subjectivity on the basis of deformed physicality may be, and as correct as Sawyer's criticisms of other people may be, her assessments are morally compromised. Consequently too, since Sawyer commits the crime of witchcraft, her ultimate execution is defensible.

Arguably, Sawyer is more than justified in seeking revenge and witchcraft is the only avenue available to her. Arguably too, the criminalization

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<sup>202</sup> Ibid., p. 41: sig. G<sup>r</sup>.

<sup>203</sup> Ibid.: 'VVhy then on me [...]?'.

<sup>204</sup> Ibid.

<sup>205</sup> Ibid.

<sup>206</sup> Ibid.

<sup>207</sup> Moi, 'What Is a Woman?', p. 63.



of Sawyer by her society forces her to become a witch. Such arguments, however, detract from recognising how Elizabeth Sawyer constructs herself and occlude granting her agency. As uncomfortable as it may be, we must recognise that Sawyer makes her choices and actively pursues them. We must also recognise though, that Sawyer's choices and actions derive, in the first place, from her old, female-sexed, physically deformed body and the social and discursive contexts in which her body is located: her body *as* her situation and the situations *in* which it is placed.

The construction of Elizabeth Sawyer as a criminal does not provide a template for all early modern criminalized subjectivities. Each case of criminalized subjectivity is based upon a particular body *as* a situation which is placed *in* different situations and is responded to differently by the world. Nevertheless, my examination of Elizabeth Sawyer reveals two underlying dimensions of early modern criminalization. It reveals the extent to which the physically deformed body is the basis for the construction of criminalized subjectivity and that, as such, the criminalized body represents an alternative early modern, pre-Cartesian, model of physicality. It also demonstrates the role of society in the process of the construction of criminalized subjectivity prior to the involvement of the judiciary. My examination also shows that Moi's account of De Beauvoir's formulations can be constructively employed, and actually facilitates, critical engagement with criminalized bodies and subjectivities. Finally, in dramatising the importance of society in the process of constructing criminalized subjectivity, the *Witch of Edmonton* suggests the existence and widespread currency of an early modern English cultural phenomenon that might be called a 'culture of criminalization'.

#### ***II.4. Towards a Culture of Criminalization***

In this final section of this chapter, I will discuss what I have termed an early modern English culture of criminalization. The evidence for this culture lies partly in the social process of criminalization, one instance of which I have just examined, and partly in the widespread employment of sinfulness, unnaturalness, the breaking of human laws and physical deformity as a cluster of meanings in

relation to bodies and subjectivities in a variety of texts other than those that deal specifically with illegality. Accordingly, I will now look at the use of criminalized bodies and subjectivities in social criticism, literary criticism and one of the literary 'wars' in the late sixteenth and early seventeenth centuries.<sup>208</sup>

One area in which the criminalized body and criminalized subjectivity appear to enjoy considerable popularity is social criticism. Among the social practices that are most regularly critiqued are the use of cosmetics, new fashions, cross-dressing, and acting. In his *Treatise Against Paint[i]ng and Tinctvring* (1616), Thomas Tuke, for example, attacks the widespread use of cosmetics by women and men.<sup>209</sup> Tuke criminalizes the use of cosmetics by identifying the practice as sinful, unnatural and as breaking human laws while arguing that cosmetics cause facial physical deformity. '[T]he law of God', claims Tuke, neither 'require[s]' nor 'fauour[s]' the use of the cosmetics;<sup>210</sup> indeed, 'God [...] is iniured by this kinde of painting'.<sup>211</sup> By the same token, cosmetics are unnatural: they 'peruert nature it selfe, and the [natural] order that God hath appointed [...]' and 'hide the naturall visage with an artificall one [...]'.<sup>212</sup> And, finally, since it is neither 'iust' nor 'lawfull' to 'deceiue men with counterfet [*sic*] wares', it is 'much lesse lawfull [...] to deceiue them with a disguised countenance'.<sup>213</sup> At the same time, Tuke views cosmetics as physically deforming; 'painting [...] is a deformitie'<sup>214</sup> and 'plaistered' faces are 'deformed'.<sup>215</sup> As far as Tuke is concerned then, cosmetics are to be seen as criminalized. Even more importantly for Tuke, the use of such criminalized cosmetics is an index to the subjectivity within. Since 'the condition of the mind

<sup>208</sup> There are a large number of areas in early modern writing in which the notions of criminalization can be discerned and deserve critical attention. One such area is the intersection between the punitive practice of anatomical dissection and the proliferation of 'Anatomies'. Another is the criminalization of lovers in the poetry and prose of the courtly love tradition. A third area is the employment of criminalization in debates surrounding the parental/filial relationship between writers and their texts. Owing to the limitations of space, however, I cannot engage with them all here. In the following chapter, I will look more closely at the particular use of criminalized female bodies and subjectivities in the contexts of religious, political and social discourse.

<sup>209</sup> Thomas Tuke, *A Treatise Against Paint[i]ng And Tinctvring Of Men and Women* (London, 1616).

<sup>210</sup> Ibid., p. 2: sig. C<sup>v</sup>.

<sup>211</sup> Ibid., p. 4: sig. C2<sup>v</sup>.

<sup>212</sup> Ibid., p. 21: sig. E3<sup>r</sup>.

<sup>213</sup> Ibid., p. 4: sig. C2<sup>v</sup>.

<sup>214</sup> Ibid., p. 36: sig. G2<sup>v</sup>.

<sup>215</sup> Ibid., p. 9: sig. D<sup>f</sup>.

is discerned in the state and behaviour of the body [...], [w]ithout doubt then a deceitfull and effeminate face, is the ensigne of a deceitfull and effeminate heart'.<sup>216</sup> A face that is covered with cosmetics, and which Tuke sees as part of a body *as* a situation, is unnatural as well as sinfully 'deceitfull'.<sup>217</sup> It follows then, for Tuke, that the subjectivity that is constructed on the basis of such a body must be equally unnatural and sinful. Indeed, for Tuke, the criminalized use of criminalized cosmetics engenders a host of other crimes since cosmetics can entice people to '[a]dulterie', which in turn can lead to '[p]oysoning', '[m]urther', and even '[w]itchcraft'.<sup>218</sup> A 'vertuous' subject, Tuke states, who has an 'honest body', has no need for the 'poisons' of cosmetics.<sup>219</sup>

Another social practice seen in criminalizing terms is the adoption of new English and Continental fashions. In *My Ladies Looking Glasse* (1616), Barnabe Rich, for example, attacks 'Lady New fashions' and her slavish followers.<sup>220</sup> 'Lady New-fashions' is, according to Rich, 'a Strumpet, a Bawde and a VVitch'; she is a woman who is sinful, unnatural, deformed and who breaks human laws.<sup>221</sup> Furthermore, she causes her followers to become equally deformed by 'monstrifying' them. Previously 'beaut[iful] women', laments Rich, scorn their God-given and natural exteriors and seek to change them.<sup>222</sup> In effecting such bodily changes through new fashions, they corrupt the laws of '*God and Nature*', committing both sinful and unnatural acts.<sup>223</sup> These women also undergo a monstrous metamorphosis and 'transform[...] themselues', through the 'deformities of fashions', into physically 'deformed' and 'loathsome monsters'; they effectively change their bodies *as* their situations.<sup>224</sup> Moreover, such new fashions not only encourage, but effect, excess of apparel: a crime on the Statute books. Women who slavishly follow 'Lady New fashions' are, therefore, constructed by Rich as criminalized; their behaviour breaks divine, natural and

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<sup>216</sup> Ibid., p. 17: sig. E<sup>r</sup>.

<sup>217</sup> Ibid.

<sup>218</sup> See title in *ibid.* For another conjunction of cosmetics and witchcraft see, II.i.20-41 in John Webster, *The Duchess of Malfi*, in *Six Renaissance Tragedies*, ed. by Colin Gibson (Hampshire and London: Macmillan Press Ltd, 1997), pp. 247-347 (pp. 261-62).

<sup>219</sup> Tuke, *Treatise*, p. 21: sig. E3<sup>r</sup>. Although Tuke addresses women in particular here, his views that cosmetics indicate a sinful body and subjectivity are applicable to men as well.

<sup>220</sup> Barnabe Rich, *My Ladies Looking Glasse* (London, 1616), pp. 11-12: sigs B<sup>r-v</sup> (p. 11: sig. B<sup>r</sup>).

<sup>221</sup> Ibid.

<sup>222</sup> Ibid., p. 20: sig. C<sup>v</sup>.

<sup>223</sup> Ibid.

<sup>224</sup> Ibid.

human laws, while their bodies bear the visible monstrous evidence of their unnaturalness.<sup>225</sup>

Cross-dressing women are also equally criminalized, if not more so. In his *Anatomie of Abuses* (1595), for example, Philip Stubbes rhetorically asks whether cross-dressing women should not be called 'Hermaphroditi'.<sup>226</sup> Women who wear men's clothes 'adulterate the veritie of [their] owne kind'.<sup>227</sup> By wearing male clothing such women pollute their natural sex; they change the materiality of their bodies *as* their situations. Such women, however, do not transform into men. Rather, they become hermaphrodites: 'Monsters of both kindes, halfe women, half men'; creatures that combine both sexes but are neither.<sup>228</sup> Cross-dressing women are, for Stubbes, unnaturally monstrous and sinful and they break social conventions in their attire.<sup>229</sup> By contrast, 'naturall women', women who abide by natural, and, therefore, by extension divine and human, laws do not wear 'such wanton & leud attire, [which] is incident only to man'.<sup>230</sup> For Stubbes, cross-dressing is a particularly lurid example of 'pride of apparell', which is more heinous than pride of the heart or the mouth since 'the pride of apparell which is object to the sight, as an *exemplary* of euill induceth the whole man to wickednes & sinne'.<sup>231</sup> Stubbes identifies visible physical deviance and its resulting deformities as the worst form of sinful, unnatural, socially unacceptable, and, therefore for Stubbes, criminalized, behaviour.

The anxiety surrounding, and subsequent criminalization of, cosmetics, new fashions and cross-dressing originate in physical deformity. On the one hand, all three practices physically deform the natural body, rendering it unnatural, sinful and contrary to the laws governing human society. On the other hand, all three deform bodies by obscuring visible differences in sex and class. The changes made to the body *as* the individual's situation result in changes to the situations *in* which the body is, or can be, placed. This then results in the construction of alternative, disruptive subjectivities. Not surprisingly, another

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<sup>225</sup> Ibid., p. 11: sig. B<sup>r</sup>.

<sup>226</sup> Philip Stubbes, *The Anatomie of Abuses* (London, 1595), p. 45: sig. G3<sup>r</sup>.

<sup>227</sup> Ibid.

<sup>228</sup> Ibid.

<sup>229</sup> For a similar use of the notions of unnaturalness and sinfulness in conjunction with cross-dressing, see, Anon., *Hæc-Vir* (London, 1620), and Anon., *Hic Mvlier* (London, 1620).

<sup>230</sup> Stubbes, *Anatomie*, p. 45: sig. G3<sup>r</sup>.

<sup>231</sup> Ibid., p. 6: sig. B4<sup>r</sup>.

social practice that is premised entirely on the construction of alternative subjectivities is also frequently criminalized: acting. One text that illustrates this is William Rankins' *Mirrovr of Monsters* (1587).<sup>232</sup> Actors, claims Rankins are not men, but unnatural deformed '[m]onsters'.<sup>233</sup> The source of the unnaturalness, deformity and monstrosity of actors lies in acting itself. By pretending to be what they are not, actors use their bodies *as* their situations in ways neither ordained nor sanctioned by God. Through acting and, in Rankins' opinion, thereby committing a grievous sin, actors 'transforme' their bodies; they change from the 'glorious image[s] of Christ into the brutish shape[s] of [...] rude beast[s]'.<sup>234</sup> Rankins expresses the physical metamorphosis undergone by the bodies of the actors in terms of illegality and unnaturalness: the body of the actor *as* his situation becomes a 'den for theeues[...] and an [*sic*] habitation for insatiate monsters'.<sup>235</sup> Even more problematically for Rankins, the perceived criminality of the actors infects those around them. Actors, claims Rankins, encourage people to sin by encouraging their audiences to follow their sinful examples.<sup>236</sup> Indeed, asserts Rankins, acting is indefensible as 'honest [i.e. moral] recreation' since all of the actions it represents or recreates, such as betrayal, sexual immorality and murder, are sinful, unnatural and socially unacceptable if not illegal.<sup>237</sup> All actors, therefore, are guilty of 'practising all things prohibited by the lawes of God, and disanulled by nature hir self'.<sup>238</sup> The defence of actors of providing 'honest recreation' is nothing, concludes Rankins, but a 'counterfeit' mask donned by them to hide their monstrous 'deformitie'.<sup>239</sup> Rankins' account, therefore, clearly criminalizes actors by associating them with unnatural monstrosity, demonstrating their sinfulness, and showing how they

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<sup>232</sup> William Rankins, *A Mirrovr of Monsters* (London, 1587). Rankins's anti-theatrical work is by no means the only text that criminalizes the theatre, actors, acting and playwrights. Two of the more famous works in this context are Stephen Gosson's *The Schoole of Abuse* (London, 1579) and, later, William Prynne's *Histrio-Mastix* (London, 1633).

<sup>233</sup> Rankins, *Mirrovr*, fol. 2<sup>r</sup>: sig. B.ii.<sup>r</sup>.

<sup>234</sup> *Ibid.*, fol. 2<sup>v</sup>: sig. B.ii.<sup>v</sup>.

<sup>235</sup> *Ibid.*

<sup>236</sup> See *ibid.*

<sup>237</sup> *Ibid.*, fol. 10<sup>r</sup>: sig. D.ij.<sup>r</sup>.

<sup>238</sup> *Ibid.*

<sup>239</sup> *Ibid.*, fols 10<sup>r-v</sup>: sigs D.ij.<sup>r-v</sup>.

encourage people to break not only the laws of society but also, potentially, the laws on the statute books.<sup>240</sup>

As these examples show, the early modern understandings of criminalized bodies and subjectivities are employed in contexts that do not immediately lend themselves to our understanding of crime, such as cosmetics, new fashions, cross-dressing and acting. I would suggest that there are two possible reasons for this. On the one hand, the notions of breaking human, divine and natural laws readily lend themselves to the physical disordering of the individual brought about by such social practices, as well as the potential wider social disorder such practices could cause. On the other hand, if such practices are not defined as crimes on the statute books, by pointing out their sinfulness, unnaturalness and social disorderliness, these relatively extreme Protestant writers are also calling for their illegalization; the logical consequence according to the correspondence between divine, natural and human laws.

The use of criminalized bodies and subjectivities is not restricted to social criticism and satire, it is also found in literary criticism in the period. One of the most prominent examples of this can be found in the opposition of various writers to the prose fictions, or romances, that were mainly imported from Italy and France. Such texts are seen as inherently corrupting for their English readers since the texts advocate immorality and heresy, unnatural social behaviour and illegal actions such as treason. One particularly scathing attack on imported prose fictions that demonstrates these anxieties is found in Roger Ascham's famous treatise on education, *The Scholemaster* (1570).<sup>241</sup>

In 'The first booke for the youth', Ascham rails against the 'corrupt' nature of the recently translated Italian prose fictions and their 'corrupt[ing]' effects on their 'innocēt' English readers.<sup>242</sup> These 'fonde bookes' are extremely

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<sup>240</sup> Crime could also be used to justify the theatre and actors. In an attempt to de-criminalize the theatre, acting and actors, in his *Apology For Actors*, (London, 1612), Thomas Heywood relates several anecdotes that demonstrate the moral good of plays (ibid., sigs G<sup>v</sup>-G2<sup>v</sup>). For example, relates Heywood, upon watching a play in which a wife murders her husband, a woman in the audience was so overcome with guilt that she confessed to the same (see ibid., sigs G<sup>v</sup>-G2<sup>v</sup>). For a similar view regarding the ability of plays of bring murderers to light, see II.2.566- 571, in William Shakespeare, *The Tragedy of Hamlet, Prince of Denmark*, in *The Norton Shakespeare based on the Oxford Edition*, ed. by Stephen Greenblatt, and others (New York; London: W. W. Norton and Company, 1997), pp. 1659-1759 (pp. 1703-1704).

<sup>241</sup> Roger Ascham, *The Scholemaster* (London, 1570).

<sup>242</sup> Ibid., fols 1<sup>r</sup>-30<sup>v</sup>: sigs C.i.<sup>r</sup>-K.ii.<sup>v</sup> (fol. 26<sup>v</sup>: sig. I.ii<sup>v</sup>).

dangerous since they contain the same ‘preceptes’ as their country of origin.<sup>243</sup> In promoting ‘Papistrie, or worse’, these texts promote heresy.<sup>244</sup> In their presentation of characters that possess ‘factious hart[s]’, they introduce the seeds of political unrest and rebellion.<sup>245</sup> In expounding a ‘varietie of vanities, and [...] filthy lyuing’, they expound models of immorality.<sup>246</sup> These texts, therefore, are not simply offensive; they actively induce criminal behaviour in the wills and minds of their readers.<sup>247</sup> By identifying such books as containing and valorising sinful, illegal and unnatural behaviour, Ascham identifies some of the ways in which they could be identified as criminalized as well as some of the ways they could engender criminalized behaviour in their readers.<sup>248</sup>

Indeed, Ascham implicitly equates the effect of reading such books with that of actually going to Italy, which is, according to Ascham, a sinful and unnatural place. The effect of going to Italy on an Englishman, of placing his body *in* such a situation, results in a change to his body *as* his situation. However, an Englishman does not simply descend in bestiality, he metamorphoses into a ‘meruelous monster’, a terrifying combination of several animals.<sup>249</sup> The Italians are, therefore, justified in commenting that the visiting Englishmen ‘remai[n]e men in shape and facion, but becom deuils in life and condition’.<sup>250</sup> Seen as ‘monsters’ by the English and ‘deuils’ by the Italians, Ascham locates the responsibility of this monstrous metamorphosis in the ‘*Italian* English men’ themselves since they have actively ‘take[n] so much paines, and go[ne] so farre, to make [them] selues both [i.e. monsters and devils]’.<sup>251</sup> Such Englishmen are responsible for the transformation of their

<sup>243</sup> Ibid., fol. 26<sup>v</sup>: sig. I.ii.<sup>v</sup>.

<sup>244</sup> Ibid.

<sup>245</sup> Ibid.

<sup>246</sup> Ibid.

<sup>247</sup> See *ibid.*, fol. 27<sup>r</sup>: sig. I.ii.<sup>r</sup> [*sic*, i.e. sig. I.iii.<sup>r</sup>]: ‘[...] there be in man two speciall thinges: Mans will, mans mynde. Where will inclineth to goodness, the mynde is bent to troth: Where will is caried [*sic*] from goodnes to vanitie, the mynde is sone drawn from troth to false opinion’.

<sup>248</sup> This is not the only occasion that Ascham connects crime with education. At the outset of *The Scholemaster* he states that he were to ‘contend’ (*ibid.*, fol. 4<sup>r</sup>: sig. C.iii.<sup>r</sup> [*sic*, i.e. sig. C.iii.<sup>r</sup>]) with the ‘common vse of teaching and beating in common scholes in England [...] it were but a small grammaticall controuerise neither belonging to heresie nor treason, nor greatly touching God nor the Prince’ (*ibid.*). However, he notes, that the ‘good or ill bringing vp of children, doth as much serue to the good or ill seruice, of God, our Prince, and our whole cuntrye, as any one thing doth beside’ (*ibid.*).

<sup>249</sup> Ibid., fol. 26<sup>r</sup>: sig. I.ii.<sup>r</sup>.

<sup>250</sup> Ibid.

<sup>251</sup> Ibid., fols 26<sup>r-v</sup>: sigs I.ii.<sup>r-v</sup>.

bodies and their selves into unnatural monsters and sinful devils and, therefore, for their potential for criminal behaviour. Even more worryingly for Ascham, such Englishmen propagate their criminalized conditions among their compatriots once they return to England.<sup>252</sup>

Most intriguingly perhaps, despite the obvious antipathy towards types of literary production, such as the prose fiction, early modern prose writers themselves employ criminalized bodies and subjectivities in their public 'literary wars' with one another. One particularly virulent example of this is Gabriel Harvey's *Trimming of Thomas Nashe* (1597), one of the texts produced during the complicated 'literary war' between Thomas Nashe and Gabriel Harvey in the 1590s.<sup>253</sup> Two aspects of the text clearly announce Harvey's use of criminalization: the woodcut of Thomas Nashe in leg irons and Harvey's styling of himself as a 'Barber Chirurgion'.<sup>254</sup> The significance of the woodcut is self-evident; leg irons were used to restrain and punish criminals. Harvey's choice of 'Barber Chirurgion' is equally significant, however, since the Barber-Surgeons were legally entitled to carry out anatomies on the corpses of felons.<sup>255</sup> And, accordingly, Harvey anatomises Nashe and his writings as well as blatantly criminalizing him.<sup>256</sup>

<sup>252</sup> See *ibid.*, fol. 26<sup>v</sup>: sig. I.ii.<sup>v</sup>. As Maslen points out in his study, *Elizabethan Fictions*, Ascham is not alone in his harsh indictment of Italian and French prose fictions. Nor is this antipathy to prose fictions restricted to the 1570s; it continues into the seventeenth century. In the ninth impression (1616) of the popular work, *S<sup>r</sup> Thomas Overbury His Wife*, one source of a Chambermaid's immorality is located in her reading of Robert Greene's prose fictions and Margaret Tyler's translated romance, *The Mirrour of Princely deedes and Knighthood* (London, 1578). See Anon., 'A Chamber-maide', in Sir Thomas Overbury, and others, *S<sup>r</sup> Thomas Overbury His Wife* (London, 1616), sigs G7<sup>v</sup>-G8<sup>v</sup>.

<sup>253</sup> Richard Lichfield, [i.e. Gabriel Harvey], *The Trimming of Thomas Nashe* (London, 1597). The 'battle' between Nashe and Harvey did not actually begin with them, but with a 'battle' between two other writers: Robert Greene and Richard Harvey, Gabriel's brother. For two detailed accounts of this, see Lorna Hutson, *Thomas Nashe in Context* (Oxford: Clarendon Press, 1989) and Jonathan V. Crewe, *Unredeemed Rhetoric: Thomas Nashe and the Scandal of Authorship* (Baltimore: The Johns Hopkins University Press; London: The Johns Hopkins Press Ltd., 1982). See also, Devon L. Hodges, *Renaissance Fictions of Anatomy* (Amherst: The University of Massachusetts Press, 1985).

<sup>254</sup> See sig. E2<sup>r</sup> and title, in Harvey, *Trimming of Thomas Nashe*.

<sup>255</sup> Title in *ibid.* The privilege was first granted to the Barber-Surgeons' Guild in the 1540 Statute in the reign of Henry VIII. It was also this statute that united the Barbers Guild and the Surgeons Guild. See 32 HEN.VIII.C.42., S3.

<sup>256</sup> Harvey is responding to Nashe's criminalization of him in *Haue with you to Saffron-vvalden* (London, 1596). Towards the end of the text, Nashe has Harvey carted off to Newgate. For a similar use of criminalization in another literary 'war' in the early seventeenth century, see Joseph Swetnam, *The Araigment Of Levvd, Idle, Froward, and vnconstant women* (London, 1615), as well the pamphlets that were printed in response. See for example, Rachel Speght, *A*



One of the most vivid examples of this is Harvey's lengthy critique of *The Ile of Dogs*, a play partly written by Nashe but no longer extant.<sup>257</sup> After a string of insults derived from various associations of dogs with madness, black choler and rabies, Harvey decides that Nashe's ears should be 'crop[ped]' as punishment.<sup>258</sup> Partly a punishment for disobedient dogs, cropping ears was also a judicial punishment for sedition. For although Nashe's words, and therefore his tongue, have offended, Nashe's ears are more at fault. Since, argues Harvey, Nashe's ears are higher in the physiognomic hierarchy, they are more responsible; Nashe's ears did not listen when they should have done.<sup>259</sup> Here, Harvey locates the responsibility of Nashe's criminalized actions in Nashe's body, not subjectivity.

Having 'cropt' off Nashe's ears, thus identifying Nashe's body *as* his situation as the body of a criminal, Harvey proceeds to ridicule Nashe's physical appearance.<sup>260</sup> Constructing a series of grotesque images, Harvey presents Nashe as more beast than man.<sup>261</sup> These images culminate in Harvey's suggestion that, as a surgeon, he 'heale' Nashe's ears as if Nashe 'neuer hadst any, [so] that I [i.e. Harvey] may goe with thee into Germanie and there shew thee for a strange beast bred in England [...]'.<sup>262</sup> Harvey transforms Nashe into a monstrous 'beast [...] with a face like a man, wi[t]h no eares, with a tung like a venemous Serpent, and a nose like no body [...]'.<sup>263</sup> Like those monsters so frequently described and depicted in contemporary popular ballads, Harvey identifies Nashe's body *as* his situation as unnatural and physically deformed. In constructing Nashe as a felon whose subsequent punitive physical deformities render him monstrous, Gabriel Harvey explicitly criminalizes Thomas Nashe.

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*Movzell for Melastomvs* (London, 1617); Ester Sowerham, *Ester hath hang'd Haman* (London, 1617); Constantia Munda, *The Worming of a mad Dogge* (London, 1617).

<sup>257</sup> Harvey, *Trimming of Thomas Nashe*, sigs E4<sup>v</sup>-G<sup>v</sup>. Regarded as seditious by the Privy Council, the authorities searched Nashe's lodgings and actually imprisoned two members of the cast in addition to Ben Jonson, one of the co-writers of the play. Nashe, however, avoided imprisonment by leaving London.

<sup>258</sup> *Ibid.*, sig. F4<sup>r</sup>.

<sup>259</sup> See *ibid.*, sigs F4<sup>r-v</sup>.

<sup>260</sup> *Ibid.*, sig. F4<sup>v</sup>.

<sup>261</sup> See *ibid.*, sig. F4<sup>v</sup>: '[...] are thy eares so moueable? art thou a monster? indeede all beasts haue free mouing of their eares graunted to them, but for men I neuer knew any but thee haue their eares mouing, and thine I see to haue the gentle quite remoue: [...]'].

<sup>262</sup> *Ibid.*, sig. G<sup>r</sup>.

<sup>263</sup> *Ibid.*

In this section, I have shown that the early modern understandings of criminalized bodies and subjectivities are found in texts and contexts other than those that engage with our understanding of crime and illegality. All the texts that I have examined here demonstrate a conscious use of such understandings. Consequently, this suggests the extent to which such notions are part of the mental landscape of not only the writers of these texts, but also of their readers and therefore form part of a culture of criminalization in early modern English thought.

## *II.5. Conclusion*

In this chapter, I have shown that in early modern England, the criminalized body is understood as a body that is sinful, unnatural and illegal, as well as a body that is either imagined to be or identified as physically deformed. I have also shown that the criminalized body is seen as the basis for the construction of criminalized subjectivity, thus evidencing the criminalized body as an alternative, non-Cartesian, model of physicality. Additionally, I have shown that there is evidence of a culture of criminalization in early modern English thought. At the same time, I have expounded the alternative theoretical model suggested by Toril Moi's recent revisionist account of Simone De Beauvoir's theory of embodied subjectivity. This is, as I have illustrated, the most constructive model available for engaging with such early modern bodies and subjectivities since it takes the body as its starting point.

However, while this chapter maps the historically specific conceptualization of the criminalized body and construction of criminalized subjectivity, it also demonstrates that these understandings form a nexus of meanings that can be variously appropriated and applied. This chapter has not, therefore, provided an account of all the ways in which criminalized bodies and subjectivities are constructed in early modern English texts. In the remainder of this thesis, I will explore some of these alternatives. Additionally, this chapter has not explicitly examined the significance of biological sex and early modern gender norms to how criminalized bodies and subjectivities were understood. This omission has been deliberate. Since this thesis is primarily concerned with

the criminalized female body and criminalized female subjectivity, I feel that the roles of sex and gender in early modern criminalization deserve a separate discussion. Accordingly, it is to these issues that I shall now turn.

### CHAPTER III

#### “MONSTRVOVS REGIMENT[S] OF WOMEN”: CRIMINALIZING FEMALE BODIES AND SUBJECTIVITIES<sup>1</sup>

[...] [T]he more than monstrous woman [...] drawing out her knife, (O act too terrible to report, but the most damnablest that euer was heard of, executed by a woman) shee ript her [i.e. Elizabeth James] vp the belly, making herselfe a tragicall midwife, or truly a murtheresse, that brought an abortiue babe to the world, and murdered the mother.<sup>2</sup>

This double murder of Elizabeth James and her unborn child is just one of the brutal crimes committed by the unnamed woman in the anonymous pamphlet, *The Most Cruell and Bloody Myrther* (1606). Later in the pamphlet this woman carries out a glossotomy on an eight-year-old girl.<sup>3</sup> This woman, notes the writer, is a sinful ‘diuelish Diuell’ and ‘whore’, an unnatural ‘monstrous’ ‘beast’, and an illegal ‘murtheresse’, all of which denote her criminal nature.<sup>4</sup> The writer locates the source of this woman’s ability to commit such criminal acts in her body *as* her situation. Murderers, like this woman, ‘are created to be remorselesse’ by God.<sup>5</sup> However, the remorseless nature of a murderer is not an acquired condition; a condition that is obtained by the body *in* a situation. Remorselessness is a state in which a murderer is ‘created’ from the beginning of his or her life; a condition of the murderer’s body *as* his or her situation.<sup>6</sup> Consequently, this woman is ‘made vp for one to be damned’:<sup>7</sup> her body *as* her situation is ‘put together’ and ‘constructed’ to enable her to commit actions that are sinful, unnatural and illegal when her body is placed *in* situations

<sup>1</sup> John Knox, *The First Blast Of The Trumpet Against The Montsrvoys regiment of women* (Geneva, 1558).

<sup>2</sup> Anon., *The Most Cruell And Bloody Myrther* (London, 1606), sig. A3<sup>r</sup>.

<sup>3</sup> Ibid., sigs B<sup>v</sup>–B2<sup>r</sup>. This viciousness of this glossotomy is further emphasised by the disturbingly graphic description of its after-effects: ‘[...] so neere her tongue [i.e. the eight-year-old girl’s] was cut out to the root, that the food any charitable persons bestowed on her, she had no tongue to helpe her to swallow [*sic*] it, but after she had chawd it in her mouth, she was faine to pull out the skin of her throat with her fingers, & gulpe it down; [...]’ (ibid., sig. B2<sup>v</sup>).

<sup>4</sup> Respectively: ibid., sigs B<sup>v</sup>, B<sup>r</sup>, B<sup>v</sup>, A3<sup>r</sup>, and A3<sup>r</sup>.

<sup>5</sup> Ibid., sig. B<sup>v</sup>.

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

that allow her to do so.<sup>8</sup> The criminal nature of this woman is compounded, continues the writer, by the extent of her unnaturalness. Murder is an unnatural act, whether committed by a man or a woman. But, if a woman commits murder, it is particularly unnatural since women are supposed to be 'by nature [...] kinde, flexible and remorseable'.<sup>9</sup> This woman's actions clearly demonstrate her lack of 'any sparke of womanhoode', marking her as an unnatural 'monstrous femall [*sic*] (for [she is] no woman)'.<sup>10</sup>

As this portrayal of the unnamed murderess suggests, gender norms inform the ways in which the criminalized female body is seen and criminalized female subjectivity is constructed in early modern English texts. In this chapter then, I will examine various ways in which the female body and subjectivity can be constructed as criminal, focusing on the significance of gender norms to these processes. Accordingly, in each section, I will first examine some of the most prominent negative gender norms associated with the female body that are employed within religious, political and social discourses.<sup>11</sup> I will then examine textual instances in which the identification of the female body as sinful, unnatural and illegal is used as a rhetorical strategy. I will also examine instances in which particular female bodies and subjectivities are criminalized. My aim is to narrow the scope of my investigation and to provide a transition to Part Two in which I will explore the criminalization of the female body and subjectivity in specific writings of four women writers. At the same time, I wish to show that the criminalized female body and subjectivity possess a cultural currency that exceeds traditional contexts such as the above murder pamphlet.

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<sup>8</sup> *OED*, VIII.96.f.

<sup>9</sup> Anon., *Most Cruell And Bloody Myrther*, sig. B<sup>v</sup>. This view of the particular unnaturalness of a murderous woman is common in the literature of the period. See, for example, Thomas Beard's rhetorical question in his *Theatre of Gods Iudgements*, p. 281 [*sic*, i.e. p. 292]: sig. T5<sup>v</sup>: 'If these and such like cruelties [i.e. murders] [...], be strange and monstrous for men, what shall wee then say of wicked and bloody women, who (contrary to the nature of their sexe) addict themselves to all violence and bloodshedding, [...]'.  
<sup>10</sup> Anon., *Most Cruell And Bloody Myrther*, sig. B<sup>v</sup>.

<sup>11</sup> In the following discussions of early modern gender norms, I will only focus on some of the negative gender norms associated with women that derive from the negative views of the female

### *III.1. Criminalizing Female Bodies and Subjectivities in Religious Discourse*

During the sixteenth and seventeenth centuries in England, numerous texts appear in which Catholic and Protestant writers criminalize each other's beliefs and practices. Such texts refer to the opposing doctrine as well as its adherents and their actions in terms of sinfulness, unnaturalness and illegality as well as physical deformity. These texts also frequently associate such criminality with the female body. In other words, writers of both religious persuasions employ the criminalized female body in their projects to criminalize their opponents. There are two ways in which writers frequently do this. First, writers describe heretical beliefs and believers in terms of a sinful, unnatural, illegal and physically deformed female body. And, secondly, writers criminalize prominent women associated with the opposing doctrine.<sup>12</sup> Before looking at examples of these criminalizing strategies, I will first briefly look at some of the negative formulations of the female body within Christian doctrine since they inform both strategies. I will then suggest that such negative formulations of the female body partly explain why the female, rather than the male, body is so prominent in early modern texts that criminalize heresies and heretics.

Despite the considerable shifts that characterise early modern English theological thought as a whole, one area does not appear to change radically: the biblical justifications for early modern gender norms. As Suzanne Trill notes, during this period, 'whether the dominant form of Christianity practised in Britain was Catholic or Protestant, [...] both viewed women as subordinate to men'.<sup>13</sup> Religion, therefore, 'provided the ideological basis for a patriarchal system of social order that defined femininity negatively and justified female subjection and subordination'.<sup>14</sup> One important source for such definitions and justifications of gender norms is the Bible and its accounts of the physical and moral inferiority of the female body.

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body. I do not discuss the positive constructions of the female body since I am looking at instances in which the female body is seen as deviating from the norm.

<sup>12</sup> I am not suggesting here that such writers do not also criminalize men of the opposing faith. The purpose of this section, however, is to demonstrate some of the ways in which the criminalized female body can be located within the religious writing of the period.

<sup>13</sup> Suzanne Trill, 'Religion and the Construction of Femininity', in *Women and Literature in Britain 1500-1700*, ed. by Helen Wilcox (Cambridge: Cambridge University Press, 1996), pp. 30-55 (p. 32).

<sup>14</sup> *Ibid.*, pp. 31-32.

Citing various biblical passages, Catholic and Protestant writers frequently emphasise the physical inferiority of the female body. Central to this view is the account of Eve's creation in Genesis.<sup>15</sup> Eve was not, point out these writers, created individually from clay as Adam was; she was created from a part of Adam's body. Since the physical existence of Eve's body depended on Adam's, it was, therefore, inferior to it. Consequently, women's bodies are physically inferior to men's. Furthermore, state these writers, women's bodies are morally inferior to men's. Drawing on Genesis again, writers point out that Eve succumbed to temptation and disobeyed God and Adam. Consequently, as descendents of Eve, women physically inherit Eve's moral inferiority; women's bodies are inherently sinful, susceptible to the temptations of the flesh, and disobedient. Such female physical disorder and inferiority must, argue these writers, be governed. Drawing on Pauline doctrine, writers instruct women that 'the head of the woman *is* the man' and that 'the husband is the head of the wife'.<sup>16</sup> Here, women are wholly identified with the body, whether they are wives or otherwise. According to Christian doctrine then, women are aligned with the body and the female body is seen as physically inferior, sinful and unruly.

As I have illustrated in Chapter II, however, sinful and unruly bodies are criminalized, or identified as potentially criminal. Consequently, the negative views of the female body as inherently sinful and unruly in Christian doctrine result in the female body *as* a situation lending itself more readily to criminalization and constructions of criminalized subjectivity than the male body. It is, therefore, for this reason that writers wishing to demonstrate the criminal nature of an opposing doctrine and its adherents deploy the female, rather than the male, body. By identifying heresy with the female body, such writers identify heresy as an

<sup>15</sup> See particularly Genesis 2:21-23, *AV*.

<sup>16</sup> Respectively: 1 Corinthians 11:3, *AV*, and Ephesians 5: 23, *AV*. The latter verse is reiterated in 'The forme of solemnization of Matrimonie', in *The Book of Common Prayer* (London, 1604; repr. London: William Pickering, 1844), sigs Z<sup>v</sup>-Aa<sup>v</sup> (sig. Aa<sup>v</sup>): 'Saint Paul, in the forenamed Epistle to the Ephesians, teacheth you thus: Ye women, submit your selues vnto your owne husbands, as vnto the Lord. For the husband is the wiues head, euen as Christ is the head of the Church, and he is also the Sauour of the whole body. Therefore as the Church or Congregation is subiect vnto Christ, So likewise let y<sup>e</sup> wiues also be in subiection vnto their owne husbands in all things'.

inherently sinful physical and disorderly state.<sup>17</sup> Similarly, by identifying heretics with the female body, writers can also point to the inherent sinfulness of the bodies of heretics and their unruliness. The inherent sinfulness and disorderliness of the female body also facilitates the criminalization of a doctrine in another way, constructing the subjectivities of prominent women associated with a doctrine as criminalized. Patricia Crawford remarks that '[i]nvariably, the sexual reputation of the [female] martyrs was attacked'.<sup>18</sup> However, Crawford ascribes this trend solely to gender norms. I would like to suggest an additional reason for such practices. By demonstrating the sinful sexual deviance of prominent women associated with an opposing doctrine, religious polemicists construct such women as criminalized, providing physical evidence of the sinfulness and unruliness engendered by such a religious doctrine. In other words, such writers show that the opposing doctrine is criminal since its followers commit criminal acts.<sup>19</sup>

In the following, I will examine two texts that demonstrate both uses of the criminalized female body and subjectivity by Catholic and Protestant writers, respectively: Miles Hogarde's *The [D]isplaying of the Protestantes* (1556) and John Jewel, the Bishop of Salisbury's *Defence of the Apologie of the Church of Englande* (1567).<sup>20</sup>

<sup>17</sup> As I have demonstrated in Chapter II, such attitudes are in keeping with the early modern identification of religious heresy as physical degeneration in a human being.

<sup>18</sup> Patricia Crawford, *Women and Religion in England 1500-1720*, Christianity and Society in the Modern World, ed. by Hugh McLeod and Bob Scribner (London and New York: Routledge, 1993), p. 67.

<sup>19</sup> It is precisely in order to prevent the criminalization of their female martyrs that both Catholic and Protestant martyrologists go to great lengths to demonstrate the physical purity of these women. Such women must be seen to transcend their inherent physical sinfulness in order to validate the non-sinful and, therefore, non-criminal nature of their professed religion. Moreover, the unnatural physical and doctrinal strength of a woman in the face of religious persecution is cited by martyrologists as evidence of divine sanction of the faith of these women. According to gender norms, women are naturally physically weak; their unnatural strength, therefore, must be divine in origin. This defence strategy is not unproblematic. In *Patterns of Piety*, Christine Peters demonstrates that while such assertions of divine sanction serve the theological purposes of martyrologists, they, nevertheless, raise the spectre of the deviations of these female martyrs from accepted gender norms. Indeed, notes Peters, such female deviation implicitly aligns the martyrs with other, indefensible, female deviants such as witches and scolds. See Christine Peters, *Patterns of Piety: Women, Gender and Religion in Late Medieval and Reformation England*, Cambridge Studies in Early Modern British History, ed. by Anthony Fletcher, John Guy and John Morrill (Cambridge: Cambridge University Press, 2003), pp. 270-93.

<sup>20</sup> Respectively: Miles Hogarde, *The [D]isplaying of the Protestantes* (London, 1556), and John Jewel, *A Defence of the Apologie of the Churche of Englande* (London, 1567).



As his title suggests, Hogarde aims to ‘display[...]’ the ‘abuses’ of Protestants, specifically their ‘abuses’ of heresy.<sup>21</sup> Relatively early on, Hogarde employs a strategy that we have already seen in religious writing; drawing on a monstrous birth to demonstrate the sinful and unnatural nature of opposing religious beliefs. In order to show His displeasure with Luther and emergent Protestant doctrines, God engendered a monster in Saxony.

[A] woman [...] out of her body brought furth [*sic*] a möstre hauing .iii. fete like vnto an oxe, his mouth, nose, eyes, & eares shaped like a calfe, a lompe of fleshe vpon his heade like a Preistes [*sic*] croune, & behynd vpon his backe the forme of a Monkes coule [...].<sup>22</sup>

This monster is a divine warning. According to Hogarde, the ‘monster’ is ‘a iust token manifested by God.to [*sic*] geue mē aduertisement to take hede ofsuch [*sic*] false prophetes [...]’.<sup>23</sup> The unnatural physical deformities of the monster forewarned people of Protestantism’s monstrous, unnatural and deformed heresies that were later instituted by Luther and his followers.<sup>24</sup> By choosing the birth of a monstrous child ‘out of [a woman’s] body’, Hogarde introduces the criminalized female body into his project of illustrating the criminal nature of Protestantism and Protestants.<sup>25</sup> One explanation for the birth of a monstrous child was the concupiscence of the mother; her sinful and unnatural lust and sexual practices. Hogarde, therefore, can be seen to align the sinful and unnatural heresies of Protestantism with the sinful and unnatural female body that is capable of producing such an unnatural physically deformed monster.

<sup>21</sup> Hogarde, *[D]isplaying*. The extremely vitriolic character of Hogarde’s text may be partly explained by the fact that it was printed in 1556, approximately half way through Mary Tudor’s reign and after the burning of Protestants at Smithfield had begun.

<sup>22</sup> Ibid., fols 15<sup>r-v</sup>: sigs A.vii.<sup>r-v</sup>.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid., fol. 15<sup>v</sup>: sig. A.vii.<sup>r</sup>: ‘Whiche möstruous byrth doubtles portended, that as in it selfe it was of fourme diuers, so lykwyse the same Luther should be the father of many byrthes that should bee ingendred in his vnhappy posteritie’.

<sup>25</sup> Ibid., fol. 15<sup>r</sup>: sig. A.vii.<sup>r</sup>. Hogarde’s strategies to criminalize Protestantism and Protestants are not restricted to his use of the sinful, unnatural and illegal female body. Earlier in the text, he identifies some of the illegal and unnatural consequences of Protestantism; Protestantism leads to treasonous

This line of thought is made more explicit in Hogarde's following comments. Heretical Protestantism, notes Hogarde, is a 'strumppette': a woman of no sexual morality or physical integrity.<sup>26</sup> Protestantism's sexual immorality makes Protestants the 'bastardes and misbegotten' children of 'base [...] Heresye'; Protestants have been sinfully conceived and born out of wedlock.<sup>27</sup> Protestants have also physically inherited their mother's immorality. According to the contemporary understanding of criminalized bodies, if a mother's body possessed unnatural, sinful and illegal traits, her child would almost certainly inherit them. Consequently, for Hogarde, Protestants are 'adulterate'.<sup>28</sup>

In referring to Protestants as 'adulterate', Hogarde implies that they are physically 'defiled, or stained by adultery, either in origin or conduct'; Protestants are either the offspring of adulterous Protestantism or are themselves adulterous.<sup>29</sup> And, since in early modern legal terms, adultery is a specifically female offence,<sup>30</sup> Hogarde can be seen to align Protestants with the sinful and illegal female body. '[A]dulterate' can also imply that the bodies of Protestants are 'corrupted by base intermixture'.<sup>31</sup> By adhering to heretical Protestantism, the bodies of Protestants *as* their situations are transformed: their bodies become polluted which results in the pollution of their souls and subjectivities.

As this examination demonstrates, one of Hogarde's central strategies to criminalize Protestantism and Protestants is to align with them variously with the sinful, unnatural, illegal female body and physical deformity associated with the female body.<sup>32</sup> As I have argued though, this is not the only way in which the criminalized female body is employed in such religious polemics. I have suggested

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rebellion as well as encourages unnatural persistence in heretical error in its adherents. See Hogarde, *[D]isplaying*, fol. 4<sup>r</sup> [*sic*, no sig.] and fol. 10<sup>v</sup>: sig. A.ii.<sup>v</sup>, respectively.

<sup>26</sup> Ibid., fol. 103<sup>r</sup>: sig. M.vii.<sup>r</sup>.

<sup>27</sup> Ibid., fol. 96<sup>r</sup>: sig. L.viii.<sup>r</sup>.

<sup>28</sup> Ibid., fol. 7<sup>v</sup> [*sic*, no sig.].

<sup>29</sup> *OED*, 2.

<sup>30</sup> As Laura Gowing has shown in her study, *Domestic Dangers*, although both men and women could be guilty of adultery, it was the adultery of a wife, not of a husband, that could be used in the ecclesiastical courts in divorce cases.

<sup>31</sup> *OED*, 3.

<sup>32</sup> It must be noted here that Hogarde employs the second strategy I am about to examine. Two notable Protestant women that he criminalizes are Joan Bocher and Anne Askew. See Hogarde, *[D]isplaying*, fol. 19<sup>r</sup>: sig. B.iii.<sup>r</sup> and fols 46<sup>v</sup>-48<sup>r</sup>: sigs E.vi.<sup>v</sup>-E.viii.<sup>r</sup>.

that writers also criminalize an opposing doctrine by demonstrating the criminalized nature of prominent women associated with it. One instance where this is clearly seen is in the considerable Protestant emphasis given to the infamous Pope Joan.<sup>33</sup>

The earliest known account of Pope Joan's life is Martinus Polonus' thirteenth-century papal chronicles.<sup>34</sup> According to Polonus, a young woman called John English disguised herself as a man and travelled to Athens with a male companion. After studying in Athens, she went to Rome where she acquired a reputation for learning, c. 873 AD. She was subsequently elevated to the papacy, which she occupied for approximately two and a half years, until it was discovered that she was a woman. During a procession, she suddenly went into labour and gave birth in the street. Very soon after this, claims Polonus, both she and her child died.<sup>35</sup>

The attraction of this story for Protestant detractors of Catholics and Catholicism is immediately clear despite its antiquity and possible spuriousness. Upholding the veracity of this story allows writers to illustrate the corruption of the papacy, the Catholic Church and Catholic doctrine as well as divine displeasure with Catholicism as a whole. Moreover, the story of Pope Joan involves a female body that exhibits several instances of negative female physical traits, such as the inherent defiling impurity of the female body and its sexual laxity, as well as instances in which the female body and subjectivity can be criminalized, like unnatural cross-dressing and contravention of divine laws. Within the context of criminalizing Catholicism by criminalizing a prominent Catholic woman, nothing could be more suitable than the existence of a female Pope who could be constructed as criminal.

One of the earliest Protestant arguments for the historical existence of Pope Joan is made by John Jewel, the Bishop of Salisbury, in his *Defence of the Apologie*

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<sup>33</sup> See, for example, John Jewel, *An Apologie, or aunswer in defence of the Church of England* (London, 1562), and *Defence of the Apologie*; John Mayo, *The Anatomie of Pope Ioane* (London, 1591); Alexander Cooke, *Pope Joane* (London, 1610); Peter Heylyn, *Mikrokosmos* (London, 1625); Matthew Sutcliffe, *The Svversion Of Robert Parsons* (London, 1606); John Boys, *The Avtvmne Part* (London, 1613).

<sup>34</sup> Martin Polonus, *Chronicon Pontificum et Imperatum*; MGH: SS [i.e. *Monumenta Germaniae Historica: Scriptores*], XXII, as cited in Rosemary and Darroll Pardoe, *The Female Pope: The Mystery of Pope Joan. The First Completed Documentation of the Facts behind the Legend* (Wellingborough, Northamptonshire: Crucible, 1988), pp. 102 and 101.

of the Church of Englande (1567).<sup>36</sup> Written in response to Thomas Harding's *Confytation* (1565), Jewel addresses Harding's objections to the veracity of the story, deeming it important enough to devote several pages to it.<sup>37</sup> After repudiating Harding's sources, Jewel turns to the omission of Pope Joan from the Calendar of Popes.<sup>38</sup> The most likely explanation, Jewel claims, is

[...] shame, leste it shoulde appeare in recorde, and afterwarde be reported for euer, that a vvooman, and sutche a vvooman, had ben Bishop of Rome: or, that the Bishop of Rome had benne vvith Childe.<sup>39</sup>

The Catholic Church has denied the existence of a female Pope because of the 'shame[ful]' implications this would have for it.<sup>40</sup> A female Pope would break divine laws that state women should not preach in Church.<sup>41</sup> She would also set herself up as the head of the Church, thus breaking other divine laws which state that women always occupy the position of the body in relation to men as the head. Furthermore, for her to do so, she would have to cross-dress as a man; an act that is not only sinful and unnatural but is also a contravention of social laws. '[S]utche a vvooman' would have broken divine, human and natural laws.<sup>42</sup> It is not surprising,

<sup>35</sup> Polonus does not state irrevocably who was responsible for impregnating Pope Joan. His ambiguous Latin appears to suggest that it was the male 'companion' who accompanied her to Athens. See Pardoe, *Female Pope*, p. 12.

<sup>36</sup> See *ibid.*, pp. 64-65.

<sup>37</sup> Thomas Harding, *A Confytation Of A Booke Intitvled An Apologie Of The Chvrch Of England* (Antwerp, 1565). Harding wrote the *Confytation* in response to Jewel's earlier book, *An Apologie for the Church of England*. In the *Apologie*, Jewel cites Pope Joan as manifest evidence of the corruption of the papacy, the Church of Rome and Catholicism in general: 'Were al thinges then pure, and holy in Rome, when Iohane a VVoman, rather of perfite [*sic*] age, then of perfite [*sic*] life, was Pope there, and bare her selfe as the Heade of the Churche: And after that, for twoo [*sic*] whole yeres, in that holy See, she had plaide [*sic*] the naughty packe, at laste going in Procession aboute the Cittie, in the sight of al her Cardinals, and Bishoppes fel in trauaile openly in the strete?' (Jewel's *Apologie* as cited in Jewel, *Defence of the Apologie*, p. 357). In the *Defence of the Apologie*, however, Jewel deals with the question of Pope Joan at greater length (see Jewel, *Defence of the Apologie*, pp. 373-811). In the following, I will focus only on a few of Jewel's most important arguments in his *Defence*. Similarly, I will not provide an account of Hardy's accusations in his *Confytation* to which Jewel responds.

<sup>38</sup> Such omission cannot, argues Jewel, be taken as evidence that Pope Joan never existed, since the names of other Popes have been omitted from the Calendar at various times and then later reinserted. See Jewel, *Defence of the Apologie*, pp. 374-75.

<sup>39</sup> *Ibid.*, p. 375.

<sup>40</sup> *Ibid.*

<sup>41</sup> See 1 Corinthians 14:34, *AV*.

<sup>42</sup> Jewel, *Defence of the Apologie*, p. 375.

then, that the Catholic Church denies the existence of Pope Joan: her actions reveal her criminal nature.

Moreover, the body of this female pontiff *as* her situation has physically defiled the Catholic Church. According to the Scriptures, women's bodies bar them from occupying positions within the Church because female bodies are physically impure. Women's bodies are defiled by menstrual blood which, in turn, defiles everything they come into contact with for the duration of menstruation.<sup>43</sup> By being placed *in* the situation of Pope, Pope Joan's body *as* her situation has physically defiled the papal seat, and by extension, the Catholic Church; she must have menstruated during her papacy to conceive. Indeed, that Pope Joan 'had benne vvith Childe' provides physical evidence of her sinful behaviour and sexual immorality, which is in keeping with her other crimes and adds to her moral, physical and criminal pollution of the Catholic Church.<sup>44</sup>

It is probably for this reason that Jewel, like later Protestants who employ the story of Pope Joan to criminalize Catholics and Catholicism, stresses that Joan was indeed a woman. Both Jewel and other Protestant writers dismiss Catholic attempts to claim that Joan might have been a hermaphrodite or a man who later metamorphosed into a woman. As Jewel notes, one Catholic writer

[...] would seeme handsomely to excuse, & shifte the mater [*sic*] by possibilitie of Nature. For thus he saithe in effecte, What if the Pope were Hermaphroditus, and Herkinalson, that is to saie, a man, and a vvoman both in one? Or if this healde, wil not serue, he seemeth further to saie, What if the Pope, beinge firste a man, vvere aftervvarde chaunged into a vvoman?<sup>45</sup>

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<sup>43</sup> See Leviticus 15:19-27, *AV*.

<sup>44</sup> Jewel, *Defence of the Apologie*, p. 375.

<sup>45</sup> *Ibid.*, p. 380. According to Pardoe, '[t]he "Louvainian" referred to by Jewel was Alan Cope, an English Catholic who fled [...] to the Anti-Reformation stronghold at the University of Louvain in Belgium [...]. Although Cope's name was attached to' the first book that appears to have originated the notion that Pope Joan was a hermaphrodite, i.e. *Dialogi Sex Contra Summi Pontificos* (Antwerp, 1566), 'he was merely protecting the identity of the true author, [...] Dr Nicholas Harpsfield [...]' (Pardoe, *Female Pope*, p. 66).

Jewel ridicules Catholics' attempts to enlist the 'possibilitie[s] of Nature' to 'excuse' and explain the phenomenon of a female Pope.<sup>46</sup> Superficially, this appears to be a curious stance to adopt, since, as we have seen, people who underwent metamorphosis, sexual or bestial, were viewed as unnaturally monstrous. To suggest that Pope Joan was a hermaphrodite or metamorphosed man, and thus demonstrate her unnatural monstrous physicality, should serve the Protestant criminalizing purpose. However, as we have also seen, monstrosity could also be explained as a freak occurrence in nature.<sup>47</sup> In order to avoid this 'possibilitie' and emphasise the extent to which Pope Joan is a criminal, Jewel needs to emphasise her unambiguous possession of a female body.<sup>48</sup>

Arguing for the existence of Pope Joan also serves another purpose. Pope Joan provides Protestants with physical proof that the Catholic Church is the Whore of Babylon, an identification that is frequently made in anti-Catholic writings. Drawing on Revelation 17, Protestants identify Rome, the seat of the papacy and heart of the Catholic Church, as 'that great city', while the Whore of Babylon is the Pope.<sup>49</sup> Furthermore, the description of the Whore of Babylon in Revelation 17:3-6 resonates deeply with Protestant views of the temporal corruption of the Catholic Church and its persecution of true Christians.<sup>50</sup> The story of Pope Joan, therefore, provides Protestants with physical evidence of this direct physical correlation between the Catholic Church and the Whore of Babylon. As another writer, Peter Heylyn, notes in his later work, *Mikrokosmos*, 'Pope Ioane' 'in a literall and mysticall sense, [...] may be called, *The whore of Babylon*'.<sup>51</sup>

In this section, I have shown how the sinful, unnatural and illegal female body is found in early modern religious writing and is employed within both Catholic and Protestant polemics to criminalize the opposing religious doctrine and its adherents. Furthermore, I have suggested that this employment of the female

<sup>46</sup> Ibid. See also Jewel, *Defence of the Apologie*, pp. 380-81: 'Thus he thinketh it a greate deale the safer waie, to make nhe [*sic*, i.e. the] Pope an Herkinalson, or by Miracle to turne him from a man into a vvoman, then simply, & plainly to confesse, that euer Dame Iohane was Pope in Rome'.

<sup>47</sup> See Chapter II.

<sup>48</sup> Jewel, *Defence of the Apologie*, p. 380.

<sup>49</sup> See Revelation 17:18, and 17:3-6, *AV*.

<sup>50</sup> See Revelation 17:6, *AV*.

<sup>51</sup> Heylyn, *Mikrokosmos*, p. 182.

body is a consequence of the negative formulations of the female body in biblically derived gender norms in conjunction with the emphasis placed on physical deviancy within early modern criminalization. The use of the criminalized female body is not, however, restricted to religious writing; it is also to be found in political writings in the period.

### ***III.2. Criminalizing Female Bodies and Subjectivities in Political Discourse***

Famously, Richard, the Duke of Gloucester, opens Shakespeare's *Richard III* by 'descant[ing] on [his] own deformity', both physical and moral.<sup>52</sup> His body, as he notes, is 'unfinished', 'scarce half made up' and 'unfashion[ed]', while he is 'determined to prove a villain'.<sup>53</sup> Stephen Greenblatt has suggested that Richard does not become evil because he is deformed, but that Richard's deformities are a manifestation of the evil within him.<sup>54</sup> I would like to suggest here that in his opening soliloquy, Richard constructs himself as a criminal. By drawing attention to his physical deformities, Richard draws attention to the unnatural state of his body *as* his situation; a physical situation upon which criminalized subjectivity can be constructed. This is compounded by Richard's statement that he is 'determined to prove a villain'.<sup>55</sup> On the one hand, Richard's 'determin[ation]' can refer to Richard's 'firm resol[ution]' and decision as a subject to become a criminal.<sup>56</sup> On the other hand, it can also refer to Richard's predestination to be a criminal: Richard's deformed body *as* his situation evidences to him and those around him that he has been 'ordained' and 'fixed beforehand' to be a criminal.<sup>57</sup> Whether Richard decides to become a criminal or sees himself as predestined to be one, the

<sup>52</sup> William Shakespeare, *The Tragedy of King Richard the Third*, in Norton, ed. by Greenblatt, and others, pp. 507-600, I.1.27. In 'descant[ing] on [his] deformity' (ibid), Richard's opening soliloquy is similar to that of Elizabeth Sawyer in II.1 in Dekker, Ford and Rowley, *Witch of Edmonton*, p. 13: sig. C3<sup>r</sup>.

<sup>53</sup> Respectively, Shakespeare, *Richard the Third*, I.1.20; 21; 22; 30.

<sup>54</sup> See Stephen Greenblatt, 'Richard III', in Norton, p. 509.

<sup>55</sup> Shakespeare, *Richard the Third*, I.1.30.

<sup>56</sup> Respectively: ibid., and 'determine, v.' in OED, III.19.

<sup>57</sup> OED, 4. This view is in keeping with the argument of criminal predestination articulated by the writer of *The Most Cruell And Bloody Myrther* that we have seen above.

deformity of Richard's body is physical evidence of Richard's criminalized subjectivity.

As a potential king, Richard's construction of himself in criminal terms raises a particular early modern anxiety: the inevitable negative impact of a criminal body natural of the monarch on the body politic. This anxiety is heightened by the prospect of a female body as the head of the body politic. Such a female body is imagined as equally physically deformed, sinful, unnatural and illegal as Richard III's body, if not more so. Accordingly, in this section, I will examine two instances in which the female body is criminalized in political discourse. The first is the criminalization of actual female monarchs. The second is the articulation of political criticism in terms of a criminalized female body and subjectivity. Before doing so, I will first briefly look at one of the central early modern political formulations: the body natural of the monarch and the body politic. I will then argue that, since the relationship between these two bodies is perceived in physical terms, negative gender norms regarding the female body inform constructions of criminalized female bodies and subjectivities in this context.

As Ernest Kantorowicz demonstrates in *The King's Two Bodies*, the early Tudors, particularly Henry VIII, established a division between the monarch's body natural and body politic.<sup>58</sup> The body natural of the monarch referred to the biological organism that was the royal body and which was subject to physical infirmity, decay and death. The body politic of the monarch, on the other hand, referred to the *corpus morale et politicum*: the moral and political body of the common weal that continued regardless of the identity or physical state of the monarch. More recently, Margaret Healy has shown that this formulation of the body politic is more than a convenient political metaphor expressed in physical terms.<sup>59</sup> This formulation bespeaks an understanding of, and engagement with, the relationship between monarch and country in physical terms. Within this physical relationship, monarch and country can affect each other in real and palpable ways, whether positively or negatively. For

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<sup>58</sup> Ernst H. Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (Princeton, New Jersey: Princeton University Press, 1957; repr. Princeton, New Jersey; Chichester, United Kingdom: Princeton University Press, 1997).

<sup>59</sup> Healy, *Fictions of Disease*.



while the physical state of the monarch as the head affects the health of the rest of the body politic, the physical state of individual members of the body politic also affects the health of the body as a whole, including its head. Monarch and country, therefore, are seen as a unified organic entity.

Here, gender emerges as a significant factor within early modern political thought. In the first place, the relationship between monarch and country is implicitly gendered. As we have seen, the head is aligned with men and the male body. Therefore, as the head of the body politic, the monarch must be male. This assumption is reinforced by Pauline doctrine; since women are barred from spiritual leadership, they should also, as various writers argue, be barred from political leadership. Political thought, therefore, replicates and reinforces the hierarchy of the sexes derived from theological doctrine. At the same time, the negative constructions of the female body within gender norms work in conjunction with the organic relationship between monarch and country to generate an anxiety regarding female monarchs. In addition to subverting the hierarchy of the sexes, if a woman becomes the head of the body politic, her female body natural will adversely affect the body politic. Since, as gender norms state, a woman's body *as* her situation is physically weak, inherently sinful and unruly, then, these negative physical traits will be transmitted to the body politic if a woman is placed *in* the situation of monarch. It is for these reasons that either the prospect or the reality of a female monarch causes consternation and that such consternation is articulated in terms of sinfulness, unnaturalness, illegality and physical deformity. By the same token, a prominent member of the body politic whose policies and actions are perceived to be detrimental to the common weal is constructed as a woman whose body and subjectivity are criminalized.

Two texts illustrate each of these two instances of criminalizing the female body and female subjectivity in early modern political discourse, respectively: John Knox's *The First Blast [...] Against The Monstrvovs regiment of women* (1558) and Mercurius Melancholicus' *Childe of Reformation* (1648).<sup>60</sup>

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<sup>60</sup> Respectively: Knox, *Monstrvovs regiment*, and Mercurius Melancholicus, [i.e. Marchamont Nedham?], *Mistris Parliament Brought to Bed of a Monstrous Childe of Reformation* ([London?],

Famously, John Knox, the Calvinist preacher, raises a dissenting voice against female monarchs in his *Monstrvovs regiment*. Written in exile in Geneva, the *Monstrvovs regiment* scathingly criminalizes them.<sup>61</sup> From the beginning, Knox's criminalizing agenda is clear. Knox identifies the three cardinal reasons why there should never be a female monarch. A female ruler is abhorrent and 'repugnāt to nature' since she subverts natural laws.<sup>62</sup> A female ruler is revolting to God since she transgresses His laws, 'reueled will and approued ordināce' in Scriptures.<sup>63</sup> And, finally, a female ruler breaks the human laws which govern human society since she breaks the laws of 'of good order, of all equitie and iustice'.<sup>64</sup> As far as Knox is concerned, a female monarch is unnatural, sinful and illegal, while '[t]o promote a woman' ruler is an equally unnatural, sinful and illegal act.<sup>65</sup>

Knox then addresses each reason individually, providing physical evidence for each claim. First, natural laws clearly show that the bodies of women *as* their situations make them physically incapable of being monarchs. Drawing on gender norms derived from natural philosophy, Knox argues that women are physically inferior to men. Women are 'blind', 'weak, [...] impotent [...] foolishe, madde, ād phrenetike'.<sup>66</sup> Furthermore, women are defined and governed by their physical 'imperfections, [...] their naturall weaknes, and inordinat appetites'.<sup>67</sup> The natural state of the female body evidences women's incapacity to rule wisely and justly, thus demonstrating the unnaturalness of them doing so. England, however, is

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1648). See also Mercurius Melancholicus, [i.e. Marchamont Nedham?], *Mistris Parliament Presented in her Bed* ([London?], 1648). Melancholicus' two texts appear to have enjoyed a 'come-back' with the Restoration. At least three later seventeenth-century political satires clearly adapt these two texts to their current political situations. See Anon., *The Famous Tragedie Of the Life and Death of Mrs. Rump* (London, 1660); Anon., *The Life and Death of M<sup>rs</sup> Rump* (London, 1660); Anon., *M<sup>rs</sup> Rvmp brought to Bed of a Monster* (London, 1660).

<sup>61</sup> As a staunch Calvinist, Knox aimed the *Monstrvovs regiment* specifically at the Catholic queens Mary Tudor and Mary of Guise. The timing of the printing of this treatise was unfortunate for Knox, though. Knox chose to publish the *Monstrvovs regiment* in mid-1558 just prior to Elizabeth I's succession. As a Protestant princess, Elizabeth was not a 'sinful' Catholic and not, therefore, one of Knox's intended targets. However, as a female monarch, Elizabeth was still, according to Knox's arguments, an illegal and unnatural monarch. Not surprisingly then, the *Monstrvovs regiment* incurred Elizabeth's long-standing displeasure with him.

<sup>62</sup> Knox, *Monstrvovs regiment*, fol. 9<sup>r</sup>: sig. B1<sup>r</sup>.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid., fol. 9<sup>v</sup>: sig. B1<sup>v</sup>.

<sup>67</sup> Ibid., fol. 12<sup>v</sup>: sig. B4<sup>v</sup>.

currently and unnaturally ruled by a woman, which has, predictably, unnatural physical consequences.<sup>68</sup> Through its institution and acceptance of a female body as its head, the English body politic has been turned upside down, while Englishmen have undergone a physical 'metamorphosis' and have been 'transformed in to Amazones'.<sup>69</sup> Although they retain 'the owtwarde form of men [...] their hartes [have] changed frome the wisdome, vnderstanding, and courage of men, to the foolishe fondnes ãd cowardise of women'.<sup>70</sup> Although the physical appearance of Englishmen has not changed, their acquiescence to a female monarch marks the internal transformation of their male bodies to female ones.

In addition to being unnatural, female monarchs are also physically sinful, since they transgress divine laws. Rehearsing the religious arguments that I have noted above, Knox states that the Word of God reveals the physical inferiority of the female body. Referring to the creation of woman, for example, Knox claims that 'Man is not of the woman but the womã is of the man [...]'.<sup>71</sup> And, in punishment for Eve's disobedience, the female body has been divinely condemned to the physical 'dolor, anguishe and payn' of childbearing and the 'subiectiõ' of the entire female body, 'her selfe, her appetites and will', to her husband.<sup>72</sup> Woman, 'by the lawe of God [...] is vterly forbidden to occupie the place of God [...] which he hath assigned to man [...]'.<sup>73</sup> Consequently, argues Knox, female monarchs are 'monstre[s] in nature' and 'contumelie to God'.<sup>74</sup> They break the immutable laws of God by setting themselves up in positions of male power, both secular and religious, that are divinely barred to them. Such sinful and physically deviant behaviour committed by female monarchs is forever damned; God can never 'approue' of it, since such behaviour disrupts His 'perfect' divine order.<sup>75</sup>

Knox then identifies how female monarchs break human laws. Knox defines human laws as the laws of 'good ordre[,] equitie and iustice'; the laws which men

<sup>68</sup> Here, Knox is referring to Mary Tudor's sovereignty.

<sup>69</sup> Knox, *Monstrvovs regiment*, fol. 11<sup>r</sup>: sig. B3<sup>r</sup>.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid., fol. 13<sup>r</sup>: sig. B5<sup>r</sup>.

<sup>72</sup> Ibid., fol. 14<sup>r</sup>: sig. B6<sup>r</sup>.

<sup>73</sup> Ibid., fol. 16<sup>v</sup>: sig. B8<sup>v</sup>.

<sup>74</sup> Ibid., fol. 17<sup>r</sup>: sig. C1<sup>r</sup>.

<sup>75</sup> Ibid., fol. 17<sup>v</sup>: sig. C1<sup>v</sup>.

have devised to govern human society and the body politic and which reflect divine and natural laws.<sup>76</sup> Accordingly, it is 'laufull' for a man to be the 'heade' of the body politic, while it is '[un]laufull' for a woman.<sup>77</sup> Indeed, for Knox, a female monarch represents the 'subuersion' of 'good ordre' in society and of the human laws which govern it.<sup>78</sup>

Finally, Knox expounds the illegal, as well as sinful and unnatural, 'subuersion' of female monarchs in terms of physical deformity.<sup>79</sup> Drawing on natural philosophy as well as Pauline dictates that the head is, and must always be, male, Knox figures the healthy, male-governed body politic as a mirror of 'the naturall bodie of man'.<sup>80</sup> Since women cannot be heads, their sovereignty results in a '[dis]-jordre[d]' and unnatural physiological rearrangement of the body politic.<sup>81</sup> Since the body politic is headless when led by a woman, the physiognomic features are relocated to different parts of the body. With 'no head eminēt aboue the rest, [...] eyes [...] were in the hādes, the tōgue and mouth beneth in the belie, and the eares in the feet.'<sup>82</sup> Such a disorderly and monstrous 'bodie', declares Knox, 'coule not lōg indure'.<sup>83</sup> The effect of a female body *as* a woman's situation when placed *in* the situation of sovereignty on the body politic not only causes its unnatural deformation, but also ensures its speedy death.

In his *Monstrvovs regiment*, then, John Knox criminalizes female monarchs by arguing that the female body breaks natural, divine and human laws when placed *in* a position of ultimate power, while also arguing that the impact of their bodies *natural as* their situation on the body politic is unnaturally, and fatally, deforming. I have also suggested though, that early modern writers employ the criminalized

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<sup>76</sup> Ibid., fol. 26<sup>r</sup>: sig. D2<sup>r</sup>.

<sup>77</sup> Ibid., fol. 28<sup>r</sup>: sig. D4<sup>r</sup>.

<sup>78</sup> Ibid., fol. 26<sup>v</sup>: sig. D2<sup>v</sup>.

<sup>79</sup> Ibid.

<sup>80</sup> Ibid., fol. 27<sup>r</sup>: sig. D3<sup>r</sup>. Here, Knox is also drawing on an earlier argument. Knox has previously stated that women are not created in the physical image of God since they are subject to men. It is man alone who is subject to none, and, therefore the image of God (ibid., fols 20<sup>r-v</sup>: sigs C4<sup>r-v</sup>). Accordingly, it is the 'naturall bodie of man', not the female body, that provides the physical model for the 'politik or ciuil bodie of that cōmon welth' (ibid., fol. 27<sup>r</sup>: sig. D3<sup>r</sup>).

<sup>81</sup> Ibid.

<sup>82</sup> Ibid., fol. 27<sup>v</sup>: sig. D3<sup>v</sup>.

<sup>83</sup> Ibid.

female body to articulate political criticism. One instance where this can be seen is Mercurius Melancholicus' *Childe of Reformation* (1648).

Written in a very different political climate, Melancholicus uses the criminalized female body and subjectivity to demonstrate the political shortcomings of the Long Parliament (1640-48).<sup>84</sup> This is clear from the title page. The title announces that Mistris Parliament is being 'brought to bed',<sup>85</sup> transposing the exclusively male political institution of Parliament into the traditionally 'all-female environment' of the birthing chamber.<sup>86</sup> Consequently, all the characters involved are female: Mistris Parliament (the mother-to-be), Mistris London (the midwife), Mrs. Synod (the nurse), and the attendant female audience of 'Gossips' (women who were traditionally invited to witness the birth of a child).<sup>87</sup>

In constructing Parliament as a woman in labour, Melancholicus draws the reader's attention to Parliament's female body *as* her situation; labour is a physical activity that pertains only to women. However, since the pangs of labour are part of women's divine punishment for Eve's disobedience, labour is also strongly associated with the physical sinfulness of the female body *as* its situation.<sup>88</sup> This association is strengthened by the fact that the title declares that Parliament's 'Childe' is 'Monstrous': it is physically deformed and unnatural.<sup>89</sup> As I have already suggested, one common explanation for the birth of deformed children in the period was the sinful and unnatural physical behaviour of its parents, particularly its mother. The monstrosity of Parliament's child is, therefore, a physical manifestation of the sinfulness and unnaturalness of Parliament's body *as* her situation as well as her previous sinful and unnatural actions. In other words, Parliament's monstrous child attests to Parliament's sinful and unnatural subjectivity.

In the main body of the pamphlet, Melancholicus expounds Parliament's sinful and unnatural subjectivity while demonstrating Parliament's illegal actions.

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<sup>84</sup> Both of Mercurius Melancholicus' pamphlets, *Childe of Reformation*, and *Mistris Parliament Presented in her Bed*, are almost certainly written by a politically malcontent, or 'melancholic', monarchist.

<sup>85</sup> Melancholicus, *Childe of Reformation*.

<sup>86</sup> Mendelson and Crawford, *Women in Early Modern England*, p. 153.

<sup>87</sup> Title in Melancholicus, *Childe of Reformation*.

<sup>88</sup> See Genesis 3:16, *AV*.

<sup>89</sup> Melancholicus, *Childe of Reformation*.

One clear instance of Melancholicus' construction of Parliament's subjectivity as criminalized is the scene of her confession. Parliament's birth pangs are so acute she believes she will die. Accordingly, she instructs Mrs. Truth (a gossip) to write down her dying confession.<sup>90</sup> Like those of criminals hanged at Tyburn, Parliament's confession entails a litany of crimes which unambiguously construct her as a criminal. Over the past seven years, Parliament has committed almost innumerable crimes. She has been an illegal and sinful 'most cruell murderer' since she has caused the death of the bodies of Englishmen as well as their souls.<sup>91</sup> She has committed perjury by reneging on her 'Oath of *Allegiance*' to her 'lawfull King' and rebelling against him.<sup>92</sup> Even more 'trayterously', and, therefore, sinfully, illegally and unnaturally, Parliament has 'betrayed[...] and imprisoned' her divinely appointed 'Anointed' monarch.<sup>93</sup> Parliament has stolen from her people, subjected them to her selfish ambitions, and caused a bloody civil war. '[I]n stead of *Reforming*' the body politic, Parliament has '*Deformed*' it.<sup>94</sup> In doing all this, Parliament has unnaturally, sinfully and illegally betrayed her role as an important member of the body politic who is meant to preserve the well-being and health of the common weal. Parliament has made a travesty of human, divine and natural laws, and thus justly deserved 'all these miseries' of childbirth 'to fall upon [her]'.<sup>95</sup> Not surprisingly perhaps, even on her death-bed, Parliament cannot change her criminal subjectivity; the contrition that she articulates in her confession is feigned.<sup>96</sup>

Finally, Melancholicus compounds his construction of Parliament's subjectivity as criminalized by providing physical evidence of her criminality in the

<sup>90</sup> See *ibid.*, pp. 6-7: 'The Declaration of Mrs. Parliament, lying very weak, and in most grievous pangs of child-bearing; and cannot be delivered'.

<sup>91</sup> *Ibid.*, p. 6. Hogarde makes a similar accusation against Protestants. See Hogarde, *[D]isplaying*, fol. 7<sup>v</sup>.

<sup>92</sup> Melancholicus, *Childe of Reformation*, p. 6.

<sup>93</sup> *Ibid.*

<sup>94</sup> *Ibid.*, p. 7.

<sup>95</sup> *Ibid.*

<sup>96</sup> Although Parliament 'confess[es] and acknowledge[s]' her sins, she adds the parenthesis '(though not from the bottom of [her] heart' (*ibid.*, p. 6). The insincerity of this confession is emphasised by Parliament's claim that while she can confess to her wrongdoing, she 'cannot Repent for the same' (*ibid.*, p. 7). Parliament's lack of repentance is finally compounded in her desire that the 'Ministers within the Cities of London and Westminster' observe 'a Day of Humiliation and Prating' in order to avert 'judgements', that she 'may still Rule Reigne and Tyrannize' over the people of England' (*ibid.*).

form of her unnatural and physically deformed monstrous child. In view of Mistris Parliament's manifest criminal nature, the chances that her child will not bear physical evidence of them are very slight. Mrs. London, the highly unsympathetic midwife, hopes that Parliament's child that was conceived in such sinful circumstances and 'begot in obscenity' shall 'prove as monstrous in its birth, and as fatal to it self, as it hath been ominous to others'.<sup>97</sup> Indeed, even Parliament's own mother, Mistris Priviledge [*sic*], observes, 'thou [i.e. Parliament] are not long liv'd; and it is a question whether the child thou now art in travell [*sic*] with, ever come forth in its right shape, or live to receive its Christendom'.<sup>98</sup> Mistris Priviledge seriously doubts that her daughter's child will be born properly formed and that it will live to be baptised.<sup>99</sup> Not surprisingly, at least some of Mrs. Priviledge's prophecies come true. The moment of birth is heralded by 'darkness', 'noysome smells', 'terrible thunderings intermix'd with wawling of Cats, howling of Dogs, [...] barking of Wolves' and 'screeching Owles, Ravens, and other ominous Birds of night [...]'.<sup>100</sup> And, Parliament's child is indeed a '*Monster*': 'a deformed shape, without a head[,] great goggle eyes, bloody hands growing out of both sides of its devouring panch [*sic*], under the belly hung a large bagge; and the feet are like the feet of a Beare [...]'.<sup>101</sup> In keeping with the logic of early modern criminalization, the unnatural, sinful and illegal behaviour of the mother's body and subjectivity is visibly visited upon her child's body.

In this section, I have demonstrated that in early modern political writing criminalized female bodies and subjectivities are found in denunciations of female monarchs as well as in political satire. Furthermore, I have argued that such uses of the criminalized female body derive from the conjunction of negative gender formulations of the female body with the specifically physical relationship between the head of state and the rest of the body politic. As I shall demonstrate in the

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<sup>97</sup> Ibid., p. 5.

<sup>98</sup> Ibid., p. 7.

<sup>99</sup> One of the major concerns surrounding the birth of deformed children in the period was whether they would live long enough to be baptised. It was believed that the lack of baptism meant that the child's soul would be damned for eternity.

<sup>100</sup> Ibid., p. 8.

<sup>101</sup> Ibid.

following section, criminalized female bodies and subjectivities are also to be found in the social discourse of the period.

### ***III.3. Criminalizing Female Bodies and Subjectivities in Social Discourse***

During the sixteenth and seventeenth centuries in England, numerous manuals and treatises outline the importance of marriage, and the roles and duties of spouses within it. In addition to extolling marriage as an ideal state and describing the ideal wife, such texts contain dire warnings for, and exhortations against, deviant wives. The origin of such deviance is generally located in the inherent physical inferiority and sinfulness of the female body as well as its propensity to commit acts that break human laws governing society. In other words, such texts identify the ways in which a wife's body could be criminalized. In this final section then, I shall attempt to illustrate two prominent areas in which the female body can be constructed as criminalized in social discourse. The first is the more general criminalization of the female body in the context of marriage. The second is the more specific criminalization of the bodies and subjectivities of adulterous wives and the impact of maternal adultery on the bodies of children.<sup>102</sup> Before doing so, I will first briefly examine the idyllic early modern view of marriage as a natural state for women. As I will try to show, this view is troubled by other contemporary negative views of the natural concupiscence of the female body. And, as I will argue, the co-existence of these contradictory views generates an anxiety which results in the female body, rather than the male body, being identified as unnatural, sinful and criminal in marriage.

In his important essay, 'The Puritans and Adultery', Keith Thomas has shown that an increasing social value was placed on marriage in England in the

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<sup>102</sup> These are not the only two instances in which the female body is criminalized in early modern social discourse. As I have already shown in Chapter II, the female body is criminalized in other social contexts such as the use of cosmetics, fashion, cross-dressing, scolding, etc. However, I shall restrict my examination here to the questions of adultery and children's inheritance of criminalized traits in view of their later relevance to my case studies.



sixteenth century that continued into the seventeenth.<sup>103</sup> For while 'procreation' was still viewed as the 'primary purpose of marriage', 'married love and domestic life' were increasingly 'idealiz[ed]'.<sup>104</sup> One common expression of this is the equation of marriage with the state of prelapsarian bliss; an equation that derives from Genesis. As woman was created from a part of man, 'Therefore shall a man leave his father and his mother, and shall cleave unto his wife: and they shall be one flesh'.<sup>105</sup> Additionally, since marriage is instituted in the Bible before the Fall of Man, marriage is associated with the pure and undefiled natural state of man. In this period, then, marriage is seen as not only a divinely and legally sanctioned state, but also as a natural state for human beings.<sup>106</sup> Moreover, marriage is a situation that women in particular should naturally aspire to be *in*. Being a wife, and later a mother, were regarded as the natural social situations all women should occupy, regardless of social class and economic status, since all women were expressly created for these two purposes. In other words, the female body *as* a situation is seen to naturally determine women's ultimate location *in* the situations of wifedom and motherhood.

At the same time however, the female body *as* a situation is seen to be more physically predisposed to indulge in its natural baser instincts. This view partly derives from the humoral understanding of the female body as physically weak. Aristotle identifies women as 'natur[ally]' 'deform[ed]'.<sup>107</sup> Since women are humorally 'weaker' and 'colder' than men,<sup>108</sup> they should be seen as deformed and

<sup>103</sup> Keith Thomas, 'The Puritans and Adultery: The Act of 1650 Reconsidered', in *Puritans and Revolutionaries: Essays in Seventeenth-Century History presented to Christopher Hill*, ed. by Donald Pennington and Keith Thomas (Oxford: Oxford University Press, 1978; repr. New York: Oxford University Press, 1982), pp. 257-82.

<sup>104</sup> *Ibid.*, p. 259.

<sup>105</sup> Genesis 2:24, *AV*. This explanation is not specific to the Old Testament; it is reiterated in the New Testament in Mark 10:6-9, *AV*, and Matthew 19:4-6, *AV*.

<sup>106</sup> This argument is made particularly by Protestant divines in the context of attacking the Catholic doctrine of clerical celibacy. See, for example, Dr Rowland Taylor, 'The copy of an other Letter to his frend touching his assertions of the Mariage [*sic*] of Priestes, and other causes for which he vvas condemned', in Foxe, *Actes and Monuments* (London, 1583), pp. 1522-1523: sigs VVVv.i.<sup>r-v</sup>. See also Retha M. Warnicke, *Women of the English Renaissance and Reformation*, Contributions in Women's Studies, 38 (Westport, Connecticut: Greenwood Press; London, England: Greenwood Press, 1983), pp. 83-84.

<sup>107</sup> Aristotle, *Aristotle: Generation of Animals*, p. 461.

<sup>108</sup> *Ibid.*, p. 459.

incomplete men that 'occur[...] in the ordinary course of nature.'<sup>109</sup> And while Ian Maclean demonstrates in *The Renaissance Notion of Woman* that women were not generally seen as monstrous creatures in the period, Thomas Laqueur also illustrates that the female body was, nevertheless, commonly viewed as a deformed and incomplete male body.<sup>110</sup> One of the axioms of the physical inferiority of the female body is its higher susceptibility to the baser, instinctive urges of human physicality, particularly sexual ones. The female body is, therefore, naturally predisposed towards the commission of potentially sinful physical acts. As Mendelson and Crawford note, '[b]ecause women were [physically] constructed for breeding, it followed that they were by nature insatiable for sex and children'.<sup>111</sup> It is for this reason that early modern fathers are proverbially encouraged to marry their young daughters off as soon as possible, before the daughters succumb to the dictates of their bodies and commit the sinful act of fornication with the very real possibility of conception out of wedlock.

Even within the sanctioned confines of marriage though, this natural weakness of the female body remains problematic. In the first place, as we have already seen, the perception of the natural weakness of the female body is strongly associated with sinful physicality. This meant that women were seen as particularly susceptible to sexual infidelity, or adultery. Prior to the Adultery Act in 1650, which made adultery a felony, adultery was still a crime that was prosecuted in and punished by the ecclesiastical courts, since adultery was indisputably a sin and an unnatural act committed outside the natural state of marriage as well as an act that contravened the laws governing human society.<sup>112</sup> However, while both men and women were punished for adultery by the ecclesiastical courts, as Laura Gowing has recently shown, it was the adultery of a wife that formed the legally accepted grounds for a divorce by the courts.<sup>113</sup> The sexual infidelity of a wife, therefore, was

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<sup>109</sup> Ibid., p. 461.

<sup>110</sup> Respectively, Ian Maclean, *The Renaissance Notion of Woman: A Study in the Fortunes of Scholasticism and Medical Science in European Intellectual Life*, Cambridge Monographs on the History of Medicine, ed. by Charles Webster and Charles Rosenberg (Cambridge: Cambridge University Press, 1980), and Laqueur, *Making Sex*.

<sup>111</sup> Mendelson and Crawford, *Women in Early Modern England*, p. 26.

<sup>112</sup> See Thomas, 'Puritans and Adultery'.

<sup>113</sup> Gowing, *Domestic Dangers*.

not only the result of the natural weakness and sinfulness of the female body but it also had legal and social implications.

The natural weakness of the female body also presented another problem within the context of marriage: progeny. A child is conceived within its mother's body and is a part of its mother's body during gestation. And, since, as I have shown in Chapter II, sinfulness is strongly associated with, and in some cases results in, physical deformity, if a mother's body *as* her situation is physically sinful, there is a strong possibility that the child's body will bear visible evidence of the physical sinfulness of the body of its mother.<sup>114</sup> This notion is perhaps most evident in the more extreme cases of monstrous children. As I have shown in Chapter II, early modern writers entertained various, often conflicting, explanations for the birth of monstrous children, not all of which located the mother's body and subjectivity as the cause.<sup>115</sup> However, in the current context of criminalizing the female body within marriage, when physically monstrous, maimed, or dead children are born, the onus is placed on the mother's sinful and unnatural physicality and her sinful and unnatural physical actions; or, her sinful and unnatural subjectivity. In *Certaine Secrete wonders*, for example, Edward Fenton posits that the generation of 'these monstrous creatures' is caused directly by God's punishment of their parents' unnatural and bestial sexual activities that run entirely contrary to the 'lawes ordeined of Nature'.<sup>116</sup> One such instance is sexual intercourse during menstruation that results in conception. The child is conceived amidst the toxic and cursed blood of its

<sup>114</sup> It is for this reason that various prayers for pregnant women include the request that the child be spared physical evidence of its mother's sins. Such prayers request that the sinful physicality of the mother and her sinful physical actions are not manifested in the body of her unborn child. See for example, 'A Prayer for a woman in trauaile', in Daniel Featly, *Ancilla Pietatis* (London, 1628), pp. 718-21: sigs Hh11<sup>v</sup>-Ii<sup>r</sup> (p. 720: sig. Hh12<sup>r</sup>): 'Let thy hand which *formed* and *fashioned* my babe in my wombe, keepe all the parts and members of it in due shape, substance and proportion, that the no[t?]es of the parents sin bee not seene in the markes, maimes, and defects of the childe'. Similarly, 'A Prayer For A Woman in trauaile', in Robert Hill, *The Pathw[ay] to Praye[r] and Pietie* (London, 1613), pp. 323-26: sigs Kk5<sup>r</sup>-Kk6<sup>v</sup>, asks that the child is not 'monstrous' (ibid., p. 325: sig. Kk6<sup>r</sup>).

<sup>115</sup> One such example can be found in John Mellys' pamphlet, *The true description of two monstrous children, laufully begotten* (London, 1566). In this case, since the children are 'laufully', i.e. legally, and, therefore, also virtuously and naturally conceived, the parents cannot be responsible. See also Chapter II, fn. 80, p. 70, for a similar account of a monstrous child 'begotten of honorable [*sic*] parents' in Fenton, *Certaine Secrete wonders*, ff. 15<sup>v</sup>-18<sup>v</sup>: sig. Diiij.<sup>v</sup>.-sig. E.ij.<sup>v</sup> (fol. 14<sup>r</sup> [*sic*, i.e. fol. 16<sup>r</sup>]: sig. D.iiiij.<sup>v</sup>).

<sup>116</sup> 'Of the bringing forth of Monsters, and the cause of their generations', in ibid., fols 11<sup>v</sup>-16<sup>r</sup> [*sic*, i.e. fol. 14<sup>r</sup>]: sigs C.iiij.<sup>v</sup>-D.ij.<sup>r</sup> (fol. 12<sup>v</sup>: sig. C.iiiij.<sup>v</sup>).

mother. These unnatural and sinful physical conditions of conception result in the child's congenital physical deformity. However, while Fenton refers to both 'fathers and mothers', all the examples that he provides to illustrate his point refer specifically to women, thus laying the blame firmly on the female body.<sup>117</sup>

In this way, early modern gender norms construct the female body as naturally predisposed to marriage and procreation. At the same, they construct the female body as naturally predisposed to sexual insatiability and susceptibility to sexual temptation. Consequently, even when women fulfil their gender roles as wives and mothers, their bodies *as* their situations still constitute a source of anxiety since their bodies potentially result in their commission of unnatural and sinful, if not illegal, acts. Accordingly, female bodies and subjectivities are more frequently constructed as criminalized in the social context of marriage. In the following, I will examine several texts that illustrate this: Joseph Swetnam's *The Araignment [sic] of Levvd, Idle, Froward and vnconstant women* (1615), Thomas Beard's *Theatre of Gods Iudgements* (1597), and Thomas Heywood's *A Woman Kilde with Kindnesse* (1607).<sup>118</sup>

As various early modern and contemporary writers have noted, Swetnam's *Araignment* presents a negative, and highly misogynist, view of women and marriage,<sup>119</sup> focusing particularly on wives.<sup>120</sup> One way in which Swetnam achieves

<sup>117</sup> Ibid., fol. 12<sup>v</sup>: sig. C.iiiij.<sup>v</sup>.

<sup>118</sup> Respectively: Swetnam, *Araignment*; Beard, *Theatre of Gods Iudgements*; Thomas Heywood, *A Woman Kilde with Kindnesse. Written by Tho: Heywood* (London, 1607).

<sup>119</sup> In the early seventeenth century, the *Araignment* was swiftly followed by three responses in pamphlet form and one anonymous play: Speght, *A Mouzell for Melastomovs*; Sowernam, *Ester hath Hang'd Haman*; Munda, *Worming of a mad Dogge*; Anon., Swetnam, *The Woman-hater, Arraigned By Women. A new Comedie, Acted at the Red Bull, by the late Queenes Seruants* (London, 1620). More recently, Swetnam's pamphlet has been examined by feminist scholars who have suggested different readings of the pamphlet and the ensuing 'pamphlet quarrel'. See, for example, McManus and Henderson, *Half-Womankind*; Barbara McManus, 'Eve's Dowry: Genesis and The Pamphlet Controversy about Women', in *Women, Writing and the Reproduction of Culture in Tudor and Stuart Britain*, ed. by Mary E. Burke, and others (Syracuse, New York: Syracuse University Press, 2000), pp. 193-206; Woodbridge, *Women and the English Renaissance*; Diane Purkiss, 'Material Girls: The Seventeenth-Century Woman Debate', in *Women, Texts And Histories 1575-1760*, ed. by Clare Brant and Diane Purkiss (London and New York: Routledge, 1992), pp. 69-101. The anonymous play has also attracted critical attention. See, for example, Valerie Wayne, 'The Dearth of the Author: Anonymity's Allies and Swetnam the Woman Hater', in *Maids and Mistresses, Cousins and Queens: Women's Alliances in Early Modern England*, ed. by Susan Frye and Karen Robertson (Oxford: Oxford University Press; New York: Oxford University Press Inc., 1999), pp. 221-40.

this is to criminalize female bodies and subjectivities. Swetnam's criminalizing project is signalled in his titular choice of '*Araignment*' which evokes the legal process arraigning criminals, while suggesting that the purpose of the pamphlet is to indict certain types of women whom Swetnam sees as criminal. In the *Araignment*, Swetnam adopts two main strategies to construct wives as criminalized. The first is to identify women's bodies *as* their situations as inherently deformed, sinful and criminal, and to show that their criminalized subjectivities can be seen in the criminalized means they employ to obtain husbands. The second is to argue that many wives are criminals since, through marriage and their criminal actions, they make criminals of their husbands.

Swetnam uses the first strategy at the beginning of the *Araignment*. He argues that women are inevitably criminal because of their bodies. Citing Moses, Swetnam states women 'were made of the ribbe of a man, and that [i.e. the rib] their froward nature sheweth; for a ribbe is a crooked thing, [...] and women are crooked by nature'.<sup>121</sup> Because women were created from an object that is visibly bent, 'crooked' and deformed, their bodies must also be inherently deformed.<sup>122</sup> Although, notes Swetnam, 'so many women are in shape Angels,' they are nothing but 'painted coffins with rotten bones'.<sup>123</sup> Despite their angelic exteriors, the bodies of 'many women' are, in fact, nothing but artificially 'painted' exteriors that contain disgusting and decaying 'rotten bones'.<sup>124</sup> Because women are fundamentally 'crooked' and deformed, their bodies *as* their situations must, in some way, demonstrate their inherent physical deformity, whether externally or internally.<sup>125</sup>

Such physical deformity, as we have seen, is closely connected to moral deviance and which is a connection that Swetnam makes. Beautiful women may

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<sup>120</sup> This can be seen in the titles of the chapters. The first illustrates women's '*great hinderance of their poore Husbands*' (Swetnam, *Araignment*, p. 1: sig. B<sup>r</sup>). The second demonstrates how men are undone by wanton women, while the third chapter offers advice to men '*how to choose a wife*' if they feel that they must marry (ibid., p. 33: sig. F<sup>v</sup>). The third chapter is followed by an addendum on the dangers of marrying a widow: '*The Bearebayting, or the vanity of widdowes: choose you whether*' (ibid., pp. 59-64: sigs I2<sup>r</sup>-I4<sup>v</sup>).

<sup>121</sup> Ibid., p. 1: sig. B<sup>r</sup>.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid., p. 30: sig. E3<sup>v</sup>.

<sup>124</sup> Ibid.

<sup>125</sup> Ibid., p. 1: sig. B<sup>r</sup>.

have 'faire face[s]', but their 'heauenly lookes' are 'matched' with 'hellish thoughts'.<sup>126</sup> Women may be beautiful on the outside, but they harbour within them sinful 'thoughts' from the Devil's dominion, 'hell[...]'.<sup>127</sup> Furthermore, Swetnam identifies the behaviour of these women with two acts that were seen as sinful, unnatural and illegal: witchcraft and treason. Like '*Xerxes* [i.e. Circe]', a witch in classical mythology, beautiful women use their bodies to 'inchaunt' men and lure them to their death and destruction.<sup>128</sup> And, 'like *Iudas*', one of the archetypal criminals in the Bible, such women 'beare two tongues in one mouth'.<sup>129</sup> These women are deceitful and their deceit will lead them, like Judas, to betray the men they ensnare. Such women and their actions are clearly of a criminalized nature for Swetnam; in attempting to acquire husbands, such women engage in what Swetnam identifies as sinful, illegal and unnatural behaviour, thus revealing their criminalized subjectivities.

The other main strategy Swetnam employs to criminalize wives is to argue that marriage and wives make criminals of their husbands. Marriage, according to Swetnam, turns a husband into a criminal. '[...] [A] married man is like vnto one arrested, and I think that many a man would flie vp into Heauen, if this arrest of marriage kept them not backe'.<sup>130</sup> Punning on the word 'arrest' (to be apprehended by the law and to be slowed down or stopped), Swetnam implies that marriage makes a criminal of a man.<sup>131</sup> On the one hand, a husband is a prisoner in the temporal prison of marriage. On the other hand, through marriage, a husband becomes pre-occupied with temporal concerns which adversely affects his spiritual state and bars his ascent to Heaven. In a similar vein, Swetnam notes that marriage is a prison. '[H]e that getteth a faire woman', cautions Swetnam, 'is like vnto a Prisoner loaden with fetters of golde'.<sup>132</sup> Although his wife may be 'beautifull', such a man is imprisoned by his wife's unreasonable desires as well as her unreasonable,

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<sup>126</sup> Ibid., p. 4: sig. B2<sup>v</sup>.

<sup>127</sup> Ibid.

<sup>128</sup> Ibid.

<sup>129</sup> Ibid.

<sup>130</sup> Ibid., p. 6: sig. B3<sup>v</sup>.

<sup>131</sup> Ibid.

<sup>132</sup> Ibid., p. 8: sig. B4<sup>v</sup>.

manipulative and abusive behaviour when she is denied them.<sup>133</sup> If, for example, he denies his wife some of the frivolous 'toyes as she stands not in neede of, and yet is desirous of', she will deny him her sexual favours and 'with a cruell tongue' she will so berate him 'that one would thinke the Deuill were come from Hell'.<sup>134</sup> Marriage can also make a husband a criminal in practical terms. Some men are bankrupted by their wives, and, being so 'ashamed' of their folly, they 'choose to deserue Newgate, and so come to Tiburne' to be hanged.<sup>135</sup>

Equally worryingly for Swetnam are the ways in which the sinful, unnatural and illegal actions of a wife impact on her husband. If, warns Swetnam, a man marries a 'woman of euill report, her discredit will be a spotte in [his] brow'.<sup>136</sup> As we have seen in the cases of slander and defamation, a woman's 'report' or reputation has legal implications in addition to social ones.<sup>137</sup> And, in some cases, if wives committed crimes, their husbands were seen as legally responsible, if not also culpable. At the same time, according to theological doctrine, husband and wife are one body. Consequently, the 'discredit' of a wife that results from her sinful, unnatural and illegal behaviour 'will be' physically transferred to her husband's body.<sup>138</sup> And, in keeping with the view that criminality is physically demonstrable, a wife's criminality will manifest itself as 'a spotte' on her husband's 'brow'.<sup>139</sup> If the body and subjectivity of a man's wife are criminalized, his body and subjectivity will also be criminalized. Indeed, Swetnam emphasises this point by noting that the husband of a wife of 'euill report' will not be able to 'goe in the street with her without mocks, nor amongst [his] neighbours without frumps'.<sup>140</sup> Such a husband will be publicly subjected to 'mocks', or 'derisive or contemptuous actions or

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<sup>133</sup> Ibid.

<sup>134</sup> Ibid.

<sup>135</sup> Ibid., p. 13: sig. C3<sup>r</sup>.

<sup>136</sup> Ibid., p. 9: sig. C<sup>r</sup>.

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

<sup>140</sup> Ibid.

speeches',<sup>141</sup> and 'frumps', or 'mocking speeches or actions',<sup>142</sup> both of which will socially identify him as a man whose 'report' is as 'euill' as his wife's.<sup>143</sup>

Swetnam's *Araignment*, then, evidences the employment of the criminalized female body and subjectivity in the social context of marriage. However, while Swetnam refers to adulteresses, he does not single them out for specific attention, nor does he address the physical effects of adultery on the children of an adulterous wife. In what follows, therefore, I shall examine these two issues in two other texts, respectively.

In addition to pointing out the sinful aspects of adultery, numerous didactic social treatises point out its physical ones. In his popular *Theatre of Gods Iudgements* (1597), for example, Thomas Beard describes one type of physical deformity caused by adultery.<sup>144</sup> Adulterous bodies are divinely inflicted with a 'filthy and stinking [...] kind of disease, called the French pocks [*sic*]' which can be seen in 'their visages' which are covered with 'filthy markes of vncleane behauiour, [such] as vlcers, boiles, [...], that greatly disfigure[...] them'.<sup>145</sup> Thus, the bodies of male or female adulterers provide visible evidence of their sinful and unnatural acts in their physical 'disfigur[at]ions'.<sup>146</sup> Another of Beard's striking examples of how the body can provide self-incriminating evidence of its adultery is his re-working of Numbers 5, *AV*, which focuses specifically on the adulterous female body. The body of an adulterous wife, according to Beard, will 'most strangely and extraordinarily' provide physical evidence of her physical sin, despite her protestations of innocence.<sup>147</sup> Having sworn her innocence before a priest, the adulteress must ask God that her 'belly would burst, and her thigh would rot, if shee were guilty, [...]'.<sup>148</sup> And, because the adulteress is guilty, this is precisely what will happen to her. This woman's body *as* her situation will provide visible irrefutable evidence of

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<sup>141</sup> *OED*, 1.a.

<sup>142</sup> *OED*, 2.

<sup>143</sup> Swetnam, *Araignment*, p. 9: sig. C<sup>r</sup>.

<sup>144</sup> For a detailed list of various physical deformities caused by adultery, see Stubbes, *Anatomie of Abuses*, p. 64: sig. I4<sup>v</sup>.

<sup>145</sup> Beard, *Theatre of Gods Iudgements*, p. 316: sig. X<sup>v</sup>.

<sup>146</sup> *Ibid.*

<sup>147</sup> *Ibid.*, p. 332: sig. Y<sup>v</sup>.

<sup>148</sup> *Ibid.*



her criminalized subjectivity; that she has committed acts that break divine, natural and human laws. 'Thus', concludes Beard, 'it pleased God to make knowne, that the filthinesse of those that are polluted with this sinne [i.e. adultery], should not lie hid'.<sup>149</sup>

Beard's choice of the adulterous female, rather than the male, body can be partly explained by the fact that it was women, not men, who could be sued in the ecclesiastical courts for adultery. It is the female body that is placed *in* this situation by early modern practices. Beard's choice is also informed, however, by an anxiety regarding the female body in this context; an adulterous wife is a lustful wife and lust was seen as an aid to conception. Accordingly, an adulterous wife was likely to conceive. If she did so, she 'foisteth in strange seed (euen his [i.e. her husband's] enemies brats) in stead of his owne, not onely to bee fathered, but also to bee brought vp, and maintained by him, and in time to bee made inheritours of his possessions; [...]'.<sup>150</sup> Adulterous wives who conceive as a result of their adultery are, therefore, a source of social disorder and economic injustice. Furthermore, their actions could result in other sinful and unnatural, even illegal, acts being committed in the future; 'which thing [i.e. that a man's children are not his own] being once known, must needs stirre vp coles, to set anger on fire, and set a broch [i.e. 'a tapering, pointed instrument']<sup>151</sup> much mischeife: [...]'.<sup>152</sup>

Another related anxiety that surrounds the adulterous female body that breaks divine, natural and human laws is a child's potential inheritance of its mother's criminalized nature and of it being physically visible. This anxiety is articulated by Frankford, the cuckolded husband in Thomas Heywood's play, *A Woman Kilde with Kindnesse*. At the end of the play, Frankford discovers that his wife, Anne, has been engaged in an adulterous affair under his very nose. Predictably, Frankford is devastated and enraged by his discovery. Instead of murdering her and her lover in an angry rage, a thing he would have been

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<sup>149</sup> Ibid.

<sup>150</sup> Ibid., p. 330: sig. X8<sup>v</sup>.

<sup>151</sup> See under 'broach' in *OED*, I.1.

<sup>152</sup> Beard, *Theatre of Gods Iudgements*, p. 330: sig. X8<sup>v</sup>.

traditionally, but not legally entitled to do, Frankford berates Anne.<sup>153</sup> If 'feare of shame', 'regard of honor [*sic*]', the stain to her husband's reputation, or his 'deere loue' did not stop Anne from committing adultery, then at least her love and concern for her children should have done so.<sup>154</sup> For although they were conceived and born prior to Anne's adulterous affair, her children still bear physical evidence of their mother's sinful, unnatural and socially unacceptable behaviour. Anne's 'shame is [now] characterd' on the 'browes' of her children which were previously innocent and 'white'.<sup>155</sup> Furthermore, such physical evidence will 'growe[...] in greatnesse' as the children become older.<sup>156</sup> As their bodies grow, the physical marks of their mother's adultery will grow proportionately on their foreheads. Frankford's view that his children physically evidence their mother's recent adultery suggests the conceptualization of a physical connection between mother and child that is not severed with the umbilical cord.

Indeed, the physical effect of Anne's adultery on her children is so insidious that Frankford desires the removal of his children from Anne's immediate physical vicinity. Anne's adulterously marked and 'spotted body' has already 'staind' her children's 'names with stripe of bastardy'.<sup>157</sup> But, if the children remain near Anne any longer, they will inhale 'her adulterous [*sic*] breath' that will utterly destroy their innocent 'spirits' in both the humoral and the theological sense.<sup>158</sup> Anne's 'breath' will physically and spiritually contaminate her children by transferring her sinful, unnatural and socially unacceptable 'infectious thoughts' to them.<sup>159</sup>

As is required of her by contemporary gender norms, Anne gladly accepts her punishment and repents her sinful, unnatural and socially unacceptable actions

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<sup>153</sup> Heywood, *Woman Kilde with Kindnesse*, sigs F4<sup>r-v</sup>. As Keith Thomas, points out in 'Puritans and Adultery', '[i]n England, there was a well-established tradition that a husband could lawfully kill an adulterous wife caught *in flagrante delicto*. Angevin kings permitted injured husbands to emasculate their rivals, while the common law of a later age accepted that the shame of being called 'cuckold' justified violent retaliation. George Joye exaggerated when he affirmed that the courts would exonerate husbands who killed their rivals *in flagrante*. The deed was still manslaughter and men could be hanged for it. But offenders could secure benefit of clergy and the courts might be lenient' (ibid., p. 268).

<sup>154</sup> Heywood, *Woman Kilde with Kindnesse*, sig. F4<sup>v</sup>.

<sup>155</sup> Ibid.

<sup>156</sup> Ibid.

<sup>157</sup> Ibid.

<sup>158</sup> Ibid.

against her husband and children. Moreover, she gradually wastes away and draws ever closer to death. However, such wifely submission and spiritual repentance does not absolve Anne of her criminal act, nor does it eradicate the indelible physical evidence of it. In the final scene of the play, in which Anne is on her deathbed and bereft of mirrors, Anne requires confirmation that the mark of her adultery is still plainly visible. She asks those about her whether they '[c]an [...] not reade [her] fault writ in [her] cheeke [...]'.<sup>160</sup> Even though she is about to depart from this world, the repentant adulterous wife still needs to know that her body *as* her situation evidences her criminalized subjectivity.<sup>161</sup>

In this section, I have shown that the criminalized female body and subjectivity is also to be found in early modern social discourse. Such bodies and subjectivities are found in the context of marriage: the inherently sinful and unnatural bodies and subjectivities of wives, their propensities to commit the crimes of adultery, and the impact of their sinful, unnatural and socially unacceptable bodies and actions on their children. I have also demonstrated that, in the case of marriage at least, the contradicting views of the nature of the female body, its natural tendencies and natural social positions within early modern gender norms both facilitates and gives rise to constructing the female body and subjectivity as criminalized.

#### ***III.4. Conclusion***

In this chapter, I have demonstrated that there is considerable evidence of the criminalized female body and subjectivity in early modern texts other than those traditionally examined by scholars of female criminals. I have shown that these bodies and subjectivities are employed in various religious, political and social contexts and texts. I have also shown that early modern gender norms play a considerable role in the construction of such bodies and subjectivities. Additionally,

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<sup>159</sup> Ibid.

<sup>160</sup> Ibid., sig. H3<sup>r</sup>.

this demonstration provides further examples of what I have termed a culture of criminalization in early modern England.

What has also emerged is a somewhat paradoxical situation. On the one hand, early modern formulations of the female body, whether in religious, political or social discourses, set forth a view of the female body as physically inferior in all ways to the male body. Indeed, there is a sense that the female body is almost inevitably and inherently sinful, unnatural and criminal. On the other hand, writers clearly view the criminalized female body and female subjectivity as more powerful rhetorical tools than their male equivalents. It is the criminalized female body, not the criminalized male body, which is used time and time again to criminalize men. By employing the female body and subjectivity in this manner and with this frequency, early modern male writers are, paradoxically, discursively perpetuating the very '[m]onstrvovs regiment' of criminalized female bodies and subjectivities that are such sources of anxiety.<sup>162</sup>

In this way, within the broader context of early modern culture, the criminalized female body and subjectivity occupy an intriguing position of being simultaneously dis-empowered and empowering. This cultural phenomenon represents an interesting area of scholarly examination in male-authored texts. What is more interesting perhaps is to trace the impact these cultural formulations have on early modern women who are criminalized and who write about the criminalization of women. And, it is to precisely such a project that Part Two of this thesis is devoted.

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<sup>161</sup> See *ibid.*, sig. I2<sup>v</sup>.

<sup>162</sup> Knox, *Monstrvovs regiment*.

**PART TWO**

**WRITING THE CRIMINALIZED BODY  
IN  
EARLY MODERN ENGLAND,  
c. 1540-1640**

#### CHAPTER IV:

#### EXAMINING THE CRIMINALIZED BODY AND FEMALE SUBJECTIVITY IN *THE [F]IRST AND THE [L]ATTRE [E]XAMINACYON[S] OF ANNE ASKEWE*

Then they ded put me on the racke, bycause I confessed no ladyes nor gentyllwomen to be of my opynyon, and theron they kepte me a longe tyme. And bycause I laye styll and ded not crye, my lorde Chauncellour and mastre Ryche, toke paynes to racke me their owne handes, tyll I was nygh dead.<sup>1</sup>

This account by Anne Askew (c. 1521-46) of her racking is striking in its understatement. It is also striking in its rarity; this is one of the few occasions in Askew's writings where she refers explicitly, albeit briefly, to her physical experiences and her body. Throughout all her prose writings, now commonly called Anne Askew's *Examinations*, Askew is consistently reticent about her physical experiences and her body.<sup>2</sup> As one of the most prominent female Protestant martyrs burnt for the crime of heresy in the early English Reformation, Askew's reticence is unusual for two reasons. First, it runs counter to the emerging Protestant emphasis on the body of the martyr.<sup>3</sup> And, secondly, as we have seen, in the context of early modern criminalization, the body *as* a situation is highlighted since it is the basis for the construction of either an innocent or guilty subjectivity. However, while Askew scholars frequently note the disembodied quality of Askew's writings and point out that she was criminalized by the Henrician authorities, such critical accounts do not explore either aspect in

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<sup>1</sup> *Examinations*, ed. by Beilin, p. 127. For the sake of clarity in the footnotes, all the quotations taken from Askew in John Bale's *[F]irst and [L]attre [E]xaminacyon[s]*, John Bale's comments in his *Elucydacyon[s]* and John Foxe's *The two examinations of the worthy servaunt of God, Maistris An Askew*, will be given as they appear in Beilin's edition. In the main body of the text, however, in order to differentiate between Bale, Foxe and Beilin's editions, I will refer to them respectively in the following manner: the *[F]irst and [L]attre [E]xaminacyon[s]*, *The two examinations* and *Examinations*.

<sup>2</sup> See for example, Beilin, 'Introduction', in *Examinations*, ed. by Beilin, pp. xv-xlii (pp. xv-xlii).

<sup>3</sup> Using John Foxe and his Protestant project, the *Actes and Monument[e]s* (London, 1563, 1570, 1576, and 1583) as their exemplar, various critics have illustrated the centrality of physicality to the development of English Protestantism and martyrology in the sixteenth century. See for example, Steven Mullaney, 'Reforming Resistance: Class, Gender, and Legitimacy in Foxe's *Book of Martyrs*', in *Print, Manuscript, and Performance*, ed. by Arthur F. Marotti and Michael D. Bristol (Columbus: Ohio State University Press, 2000), pp. 235-51; John R. Knott, *Discourses of Martyrdom in English Literature, 1563-1694* (Cambridge: Cambridge University Press, 1993); Janel M. Mueller, 'Pain, Persecution and the Construction of Self-hood in Foxe's *Acts and Monuments*', in *Religion and Culture in Renaissance England*, ed. by Claire McEachern and Debora Shugar (Cambridge: Cambridge University Press, 1997), pp. 161-87.

any great depth.<sup>4</sup> Instead, Askew scholars almost always engage with Askew's voice and explore her writings in the contexts of religion, religious writing and gender norms in early modern England.

In an attempt to redress the critical balance then, in this chapter I will attend to questions of physicality and criminalization, which are fundamental to our understanding of the *Examinations*. Accordingly, I will first attempt to illustrate the impact of the authorities' attempts to criminalize Askew, their ultimate success in doing so, and some of the physical consequences of both these processes on the textual production of the *Examinations*. Secondly, I will illustrate how the emphasis on the body in the context of criminalization shapes some of the ways in which Askew's subjectivity is constructed in the *Examinations*. I will do so by examining Askew's notable omission of her body in her construction of her subjectivity in her writings. I will then examine John Bale's (Askew's first editor and Protestant martyrologist) apparent strategies to reinstate Askew's body into the account of Askew's subjectivity in the *Examinations*.<sup>5</sup> In both cases, I will argue that Askew's and Bale's attitudes towards her body are informed by the authorities' attempts at, and ultimate success in, constructing Askew as a heretic.

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<sup>4</sup> See, for example, Trill, 'Religion'; Elaine V. Beilin, 'Anne Askew's Self-Portrait in the *Examinations*', in *Silent But for the Word: Tudor Women as Patrons, Translators, and Writers of Religious Works*, ed. by Margaret Patterson Hannay (Kent, Ohio: The Kent State University Press, 1985), pp. 77-91; Diane Watt, *Secretaries of God: Women Prophets in Late Medieval and Early Modern England* (Cambridge: D. S. Brewer, 1997). There are five notable exceptions to these critical trends. Three critics focus on the question of Askew's body: Dolan, "Gentlemen"; Kimberly Anne Coles, 'Reproductive Rites: Anne Askew and the Female Body as Witness in the *Acts and Monuments*', in *Consuming Narratives*, ed. by McAvoy and Walters, pp. 54-66; Theresa D. Kemp, 'Translating (Anne) Askew: The Textual Remains of a Sixteenth-Century Heretic and Saint', *Renaissance Quarterly*, 52 (1999), 1021-1045. In *Writing, Gender and State*, Matchinske attends to the immediate political context of the *Examinations* and how it shapes Askew's construction of herself. Alternatively, Paula McQuade explores the *Examinations* from the perspective of early modern law in her essay, "Except that they had offended the Lawe": Gender and Jurisprudence in *The Examinations of Anne Askewe*, *Literature and History*, 3rd s., 3 (1994), 1-14.

<sup>5</sup> John Foxe also appears to be engaged in a similar process in the various English editions of the *Actes and Monument[s]*, although he employs different strategies to Bale. I have limited my investigation to Bale, however, for two reasons: the restrictions of space and the recent critical emphasis on Foxe in discussions of the *Examinations*.

#### **IV.1. Criminalization, Physicality, and the Textual Production of the Examinations of Anne Askew**

Most Askew scholarship places the *Examinations* in the contexts of religion, religious writing and gender norms in early modern England.<sup>6</sup> Indeed, Askew's prominence as an early modern female writer is because her writings are apparently the first extant female-authored exposition of early modern English Reformist faith.<sup>7</sup> Such critical emphasis obscures two aspects of the *Examinations*: the legal context and physical conditions in which they were written. The *Examinations* predominately provide Askew's accounts of her various interrogations by the authorities in which they try to prove she is a heretic as well as their final condemnation of her. Furthermore, Askew appears to have written her accounts while she was imprisoned. In other words, Askew's *Examinations* were produced within the context of early modern criminalization as well as in a highly constrained physical environment.

I would like to suggest a different critical perspective, that of prison writing. Such recognition foregrounds Askew's status as a criminal in the eyes of the authorities and the physical conditions in which she wrote, two factors central to the textual production of the *Examinations*. Accordingly, I will explore the impact of the authorities' attempts to criminalize Askew and her subsequent physical experiences of confinement and torture on the production and transmission of Askew's texts, both by her and, later, by John Bale and John Foxe.<sup>8</sup> The impact of these factors can be discerned in three ways: in Askew's

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<sup>6</sup> See for example: John N. King, *English Reformation Literature: The Tudor Origins of the Protestant Tradition* (Princeton, New Jersey; Guilford, Surrey: Princeton University Press, 1982), and 'Religious Writing', in *The Cambridge Companion to English Literature 1500-1600*, ed. by Arthur F. Kinney (Cambridge: Cambridge University Press, 2000), pp. 104-31; Trill, 'Religion'; Watt, *Secretaries of God*; Peters, *Patterns of Piety*; Beilin, 'Introduction', in *Examinations*; Elaine V. Beilin, 'A Challenge to Authority: Anne Askew', in Elaine V. Beilin, *Redeeming Eve: Women Writers of the English Renaissance* (Princeton: Princeton University Press, 1987), pp. 29-47; Beilin, 'Self-Portrait'; Elaine V. Beilin, 'Anne Askew's Dialogue with Authority', in *Contending Kingdoms: Historical, Psychological, and Feminist Approaches to the Literature of Sixteenth-Century England and France*, ed. by Marie-Rose Logan and Peter L. Rudnytsky (Detroit: Wayne State University Press, 1991), pp. 313-22.

<sup>7</sup> See, for example, Betty Travitsky, ed., *The Paradise of Women: Writings by Englishwomen of the Renaissance* (New York: Columbia University Press, 1989). Travitsky's assessment of Askew as an '[e]xceptional figure[...]' (ibid., p. 165) is in keeping with the critical tradition that I noted in Chapter I: the identification of early modern women writers as 'Good Women'.

<sup>8</sup> Initially, such a project may appear impossible since Askew's manuscripts have never been found. This, in turn, raises important questions about John Bale and John Foxe's roles as Askew's editors. I shall address these questions later in this section. At this point, however, I merely wish to note that I accept the general critical consensus that the texts ascribed to Askew



own textual traces, in Bale and Foxe's comments on Askew's texts and her physical condition, and, in some of the earliest editions of the *Examinations*.

Given the conditions in which Askew apparently wrote her texts, it is not surprising that they are informed by the authorities' construction of her as criminal. This can be seen in Askew's motivations for writing, her emphasis on the physical connection between herself and her texts, and the main titles. At the same time, the subtitles of the *[L]attre [E]xaminacyon* reveal that their production was informed by at least one physical consequence of Askew being suspected, and later found guilty, of heresy by the authorities: her imprisonment.

As various critics have noted, Askew's writing was part of her Protestant 'witnessing' for other Protestants.<sup>9</sup> However, it must also be remembered that Askew wrote these texts after the authorities identified her as holding heretical, and, therefore, criminal beliefs.<sup>10</sup> It is not unreasonable to assume, then, that Askew's writings were also secularly motivated; that she desired to record her version of her interrogations and treatment by the authorities to 'witness' her innocence. This assumption is supported by Paula McQuade's excellent analysis in her essay, "Except that they had offended the Lawe".<sup>11</sup> McQuade convincingly demonstrates that Askew is not only aware of her legal position and legal procedures, but that Askew also carefully points out when the authorities act illegally. It seems, therefore, that at least part of Askew's motivation for writing was to respond to the authorities' attempts to prove her guilt, and to demonstrate her innocence.

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were indeed written by Askew. For arguments supporting Askew's authorship see, for example, Leslie Fairfield, *John Bale: Mythmaker for the English Reformation* (Indianapolis: West Lafayette, 1976) and Beilin, 'Challenge to Authority'.

<sup>9</sup> This is suggested, among other things, by the beginnings of both the *[F]irst* and *[L]attre [E]xaminacyon[s]* in which Askew appears to address a specific Protestant audience. In the *[F]irst*, Askew writes, she says, '[t]o satisfie [the] expectation' of her audience of 'good people' (*Examinations*, ed. by Beilin, p. 19). In the *[L]attre*, the audience is even more limited, but similarly unidentified: Askew writes to her '(dere frynde in the lorde)' (*ibid.*, p. 88).

<sup>10</sup> This runs counter to the Foucauldian formulation of the relationship between criminalization and authorship; that authors only become authors once they and their texts are seen as criminal by the authorities. Askew, however, only becomes an author after the authorities identify her as a criminal. See, Michel Foucault, 'What is an Author?', in *Modern Criticism and Theory: A Reader*, ed. by David Lodge (Essex: Longman Group Limited; New York: Longman Inc., 1988), pp. 197-210.

<sup>11</sup> McQuade, "Except that they had offended the Lawe". McQuade's assessment of Askew and early modern English law is an important contribution to Askew studies. However, McQuade does not examine the implications of the attempts by the authorities to criminalize Askew and their ultimate success in doing so for the textual production of the *Examinations* or projects of reconstructing Askew's subjectivity.

This assumption is further supported by another aspect of Askew's writing: her apparent need to assert the physical connection between herself and her writings, and, thus, the authenticity of her texts, the veracity of their content and her innocence. On several occasions throughout the *Examinations*, Askew stresses her authorship. For example, Askew ends the *[F]irst [E]xaminacyon* with the phrase 'Written by me Anne Askew', which she reiterates later in her 'confessyon [...] for the tyme [she] was in Newgate [...]'.<sup>12</sup> Alternatively, in the *[L]attre [E]xaminacyon*, Askew concludes her letter to John Lassels with 'Thus fare ye wele. Quoth Anne Askewe'.<sup>13</sup> And, finally, in her 'confessyon [...] made in Newgate [...]',<sup>14</sup> Askew begins with the phrase 'I Anne Askew, of good memorye', recalling the opening legal phrasing of wills, while she ends with 'So be it. O lord, so be it. By me Anne Askew'.<sup>15</sup> Whether Askew intended such phrasing to lend a semblance of legality to her texts is uncertain, but it seems that she needed to emphasise that these were truly her words.

Askew's need for such emphasis can be clearly seen in one particular instance. In the *[F]irst [E]xaminacyon*, at the end of her interview with Edmund Bonner, the Bishop of London, Bonner draws up a confession for Askew to sign. Askew does so, but insists on an addendum that both clarifies and obscures her beliefs: 'I Anne Askewe do beleve all maner thynges contayned in the faythe of the Catholyck church'.<sup>16</sup> In relating this incident, Askew highlights what beliefs she will and will not 'sett [...] [her] hande' to as well as what words are and are not hers.<sup>17</sup> And, once again, she writes 'I Anne Askewe'.<sup>18</sup> If Askew produced these texts to establish the true version of the events, this incident shows such a motivation. Indeed, Askew appears to have been justified in fearing that her words and beliefs might be misrepresented by the authorities. In her letter to John Lassels in the *[L]attre [E]xaminacyon*, Askew refers to the above incident and

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<sup>12</sup> *Examinations*, ed. by Beilin, pp. 65 and 106, respectively. Askew's use of this phrase here is noteworthy since it apparently occurs in the middle, rather than at the end, of her text. In all the other instances where she employs it, the phrase is located either at the very end or as part of the final sentence. This might suggest that what follows is a separate text or a fragment that Bale decided to append to the 'Confessyon'. However, there is currently no way of ascertaining whether this is true.

<sup>13</sup> *Examinations*, ed. by Beilin, p. 137.

<sup>14</sup> *Ibid.*, pp. 138-48.

<sup>15</sup> Respectively: *ibid.*, p. 138 and p. 148.

<sup>16</sup> *Ibid.*, p. 62.

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

the apparently publicised, but erroneous, perception that she had recanted while on the rack:

I have redde the processe, whych is reported of them that knowe not the truthe, to be my recantacyon, But as sure as the lorde lyveth. [*sic*] I never ment thyng lesse, than to recant. Notwithstandynge thys I confesse, that in my first troubles, I was examyned of the Byshopp of London aboute the sacramente. Yet had they no graunte of my mouth but thys. That I beleved therin, as the worde of God ded bynde me to beleve. More had they never of me. [...] Then the Byshopp, beyng in greate dyspleasure with me, bycause I made doubtes in my writynge, commaunded me to prison.<sup>19</sup>

The last, albeit more tentative, source of evidence that Askew's writing was influenced by the authorities' attempts to criminalize her is suggested by the titles of the *Examinations*. We do not know whether the titles *The [F]irst [E]xaminacyon* and *The [L]attre [E]xaminacyon* are Askew's or Bale's. Nevertheless, these titles place these writings as much within a legal context as within a religious one. In the mid-sixteenth century, an 'examination' was a 'record' of 'statements made by a[n] [...] accused person', as well as 'the action or process of searching into (facts, opinions, statements); investigation, scrutiny'.<sup>20</sup> And, these texts are as much about Askew's responses to the judicial interrogations by the authorities of her as they are about the authorities' attempts to ascertain Askew's religious beliefs.

Alternatively, the subheadings in the *[L]attre [E]xaminacyon* apparently reveal one physical consequence of the authorities' attempts to condemn Askew as a heretic. *The [L]attre [E]xaminacyon* consists of the following texts:

The summe of my examynacyon afore the kynges counsell at Grenewyche.<sup>21</sup>

The confessyon of me Anne Askewe, for the tyme I was in Newgate, concernynge my beleve [*italics mine*].<sup>22</sup>

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<sup>19</sup> Ibid., pp. 135-37. In an apparent attempt to verify Askew's writing, as well as to discredit the authorities, in *The two examinations*, Foxe includes a copy of a contradictory document purporting to be Askew's 'Confession' found in Bonner's Register (see *ibid.*, pp. 175-77).

<sup>20</sup> Respectively: *OED*, 6.b., and *OED*, 4.

<sup>21</sup> *Examinations*, ed. by Beilin, pp. 91-102.

The summe of the condempnacyon of me Anne Askewe, at yelde hawle [i.e. Guildhall].<sup>23</sup>

My lettre sent to the lorde Chauncellour.<sup>24</sup>

My faythe brevelye written to the kynges grace.<sup>25</sup>

The effect of my examyncayon and handelynge, sens my departure from *Newgate* [italics mine].<sup>26</sup>

Anne Askewes answeere unto John Lassels letter.<sup>27</sup>

The confessyon of her faythe whych Anne Askewe made *in Newgate* afore she suffered [italics mine].<sup>28</sup>

The Balade whych Anne Askewe made and sange whan she was *in Newgate* [italics mine].<sup>29</sup>

Three of these subtitles identify the physical location in which Askew apparently wrote her texts as Newgate: one of London's prisons, while a fourth one refers to another occasion in which she was held there. Being charged with, and later being found guilty of, the crime of heresy led to her judicial confinement, which, in turn, as these subtitles suggest, resulted in Askew writing a considerable number of her texts within the physical constraints of imprisonment. As is the case with the titles though, we do not know how many, if any, of these subheadings are Askew's. It is possible that these subheadings were later inserted by Bale. I suspect, however, that Bale's intervention is more likely in the last three: Askew's letter to Lassels, the 'confessyon of her faythe', and the ballad.<sup>30</sup> Unlike the previous subheadings, these three do not refer to Askew in the first

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<sup>22</sup> Ibid., pp. 103-09.

<sup>23</sup> Ibid., pp. 110-14.

<sup>24</sup> Ibid., p. 116.

<sup>25</sup> Ibid., pp. 117-18.

<sup>26</sup> Ibid., pp. 119-32.

<sup>27</sup> Ibid., pp. 133-37.

<sup>28</sup> Ibid., pp. 138-48.

<sup>29</sup> Ibid., pp. 149-50.

<sup>30</sup> Ibid., p. 138.

person but as 'she' and 'her'. All the other subheadings refer to Askew as 'me', 'my' and 'I'. Notwithstanding Bale's possible intervention, in referring to 'Newgate', the last two subtitles still emphasise the criminal context in which the texts were purportedly written, which is a direct result of Askew's suspected, and subsequently proved, criminality.

In this way, Askew's textual traces suggest the impact of the authorities' attempts to prove that she was a heretic and their ultimate criminalization of her as well as the impact of one physical consequence of these processes on her textual production. These factors can also be seen to influence John Bale and John Foxe's productions and transmission of Askew's texts in their respective works: *The [F]irst and [L]attre [E]xaminacyon[s]* (1546 and 1547),<sup>31</sup> and *The two examinations of [...] An Askew in the Actes and Monumentes* (1563).<sup>32</sup> Before examining some of the ways in which such influence can be seen, I will first briefly discuss their respective roles in the textual production of the *Examinations*, suggesting that our assessment of Askew's texts must take Bale and Foxe into consideration as co-authors, rather than simply editors.

For Askew scholars, Bale and Foxe's texts are particularly notable since they are the source texts of the *Examinations* in the absence of Askew's own manuscripts. Bale and Foxe are, therefore, traditionally seen as Askew's two early modern editors. Askew scholars, however, usually favour Foxe's editions over Bale's. Bale is frequently criticised by such scholars as an intrusive editor for his lengthy, expository *Elucydacyon[s]* that interrupt Askew's texts. Conversely, Foxe is generally praised for his lack of interference, since he apparently presents Askew's writing in an almost uninterrupted and original format. Any additional material Foxe obtains is placed either before or after Askew's texts.

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<sup>31</sup> Respectively: John Bale, *The first examinacyon of Anne Askewe* (Marpurg [sic, i.e. Wesel], 1546); John Bale, *The lattre examinacyon of Anne Askewe*, (Marpurg [sic, i.e. Wesel], 1547). As the dates suggest, Bale produced the two *[E]xaminacyon[s]* almost immediately after Askew's death. The *[F]irst [E]xaminacyon* was printed in late 1546, while the *[L]attre [E]xaminacyon* was printed early in 1547.

<sup>32</sup> Foxe, *Ecclesiastical History, The Acts and Monuments* (London, 1563). Foxe's sizeable *Acts and Monuments* went through four English editions during Foxe's lifetime: 1563, 1570, 1576 and 1583. *The two examinations of [...] An Askew* are included in all four editions, as well as in the first edition of the *Acts and Monuments* which was written in Latin: *Rerum in ecclesia gestarum commentarii* (Basel, 1559). The edition of Foxe's *Acts and Monuments* to which I refer in this chapter is the 1563 edition as cited in *Examinations*, ed. by Beilin.

Three things must be noted here, however. First, as Thomas S. Freeman and Sarah Elizabeth Wall demonstrate persuasively in their important essay, 'Racking the Body', Foxe is a more intrusive editor than has been assumed hitherto.<sup>33</sup> Through a series of meticulous textual comparisons, Freeman and Wall show that Foxe changes his presentation of Askew's texts in the various editions of the *Actes and Monument[e]s*.<sup>34</sup> For example, Foxe introduces paragraph breaks that shift the reader's emphasis. Secondly, in the absence of Askew's manuscripts, Askew's texts will always be embedded within a larger, framing narrative, whether in Bale or Foxe's texts. And, thirdly, early modern readers of Askew's texts would have encountered her writings through either Bale or Foxe's texts.<sup>35</sup>

Askew's texts are, therefore, always mediated. This does not mean that we can never access Askew's texts. This does mean, however, that when engaging with Askew's texts, we need to take their unavoidable mediation into account.<sup>36</sup> Such a project requires a shift in current critical attitudes to Bale and Foxe as Askew's editors as Freeman and Wall suggest. In the absence of Askew's manuscripts, Freeman and Wall conclude, that Bale and Foxe should be viewed as Askew's co-authors instead of Askew's 'bad' and 'good' editors.<sup>37</sup> Rather than excising Askew's texts from either Bale or Foxe's texts and viewing Askew's writings separately as recent critics frequently do, we need to read them in conjunction with one another. Indeed, once Bale and Foxe are approached from this perspective, they can be seen to respond to aspects of Askew's texts and to complement them; specifically, the impact of the authorities'

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<sup>33</sup> Thomas S. Freeman and Sarah Elizabeth Wall, 'Racking the Body, Shaping the Text: The Account of Anne Askew in Foxe's "Book of Martyrs"', *Renaissance Quarterly*, 54 (2001), 1165-1196.

<sup>34</sup> Freeman and Wall compare the following: the several editions of the *Acts and Monuments*, Bale's 1546 and 1547 editions, and the 1550 edition of the *[E]xaminacyons*.

<sup>35</sup> As I shall discuss below, there were several editions of Askew's texts that were printed without Bale's *Elucydacyon[s]* in the late 1540s prior to the printing of Foxe's *Acts and Monument[e]s*. However, even in these editions, Askew's texts are re-printed from Bale's first editions of 1546 and 1547. Therefore, even without Bale's interjections, Askew's texts in these editions are still informed by Bale's formatting, if nothing else. At the same time, owing to the popularity of the *Actes and Monument[e]s* in the latter half of the sixteenth century as well as the seventeenth, it is probable that most readers encountered Askew's texts within Foxe's larger text.

<sup>36</sup> I believe that this also true of any project of reconstructing Askew's subjectivity as it is presented in the *Examinations*, as I will attempt to do below in Section II.

<sup>37</sup> If in future Askew's manuscripts do emerge, such a critical assumption will require revisiting. At present, however, viewing Bale as Askew's co-author rather than her editor is crucial in our assessment of Bale's construction of Askew's subjectivity, particularly with regards to the question of Askew's body.

criminalization of Askew and some of the physical consequences this had for Askew on her writing. Additionally, some of the ways these two factors contributed to shaping the posthumous production and transmission of Askew's writings can be traced in Bale's texts.

Like Askew, Bale and Foxe respond to the authorities' criminalization of her by attempting to demonstrate her innocence. As I have noted above, Askew's texts evidence her illegal treatment by the authorities, as well as instances in which the authorities appear to try to misrepresent Askew, such as the incident of Askew's confession at Bonner's house. Bale and Foxe, therefore, need to emphasise the authenticity of the texts and their content. Like Askew, they do so by stressing the material connection between Askew and her texts, and, thus, their presentation of the true copy of Askew's writings that contain the true account of the events. In his prefatory epistle to the *[F]irst [E]xaminacyon*, Bale describes the *Examinations* as the 'ii.' texts that Askew '[...] sent abroad by *her owne hande writynge* [*italics mine*]'.<sup>38</sup> Similarly, in his final comments on Askew's texts in the *[F]irst [E]xaminacyon*, Bale states the reader shall find more by Askew in 'the lattre part [...] by her owne confession and *handewritynge* [...] [*italics mine*]'.<sup>39</sup> In his introductory paragraphs to the *[L]attre [E]xaminacyon*, Bale further emphasises this physical connection, providing more details of the provenance of Askew's texts. The *[L]attre [E]xaminacyon* is 'lyke as [Bale] receyved it *in coppye* by serten dutche merchautes [*italics mine*]' who witnessed Askew's execution.<sup>40</sup> In the same vein, although less strenuously, Foxe makes the same connection between Askew's body and her texts. In all the English editions of Foxe's *Actes and Monument[e]s*, a brief paragraph precedes *The two examinations*. Among other things, this paragraph draws attention to the physical connection between the subsequent texts and Anne Askew as their writer. The reader is presented with 'the *true examinations* of Anne Askew, [...] *according as she wrote them with her own hande*, [...] [*italics mine*]'.<sup>41</sup> Although neither Bale nor Foxe's assertions unequivocally prove the authorship of these texts, their assertions

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<sup>38</sup> *Examinations*, ed. by Beilin, p. 7.

<sup>39</sup> *Ibid.*, p. 66.

<sup>40</sup> *Ibid.*, p. 88.

<sup>41</sup> *Ibid.*, p. 165.

reveal their response to and complementation of at least one aspect of the impact of the authorities' views of Askew on her writing.

Bale and Foxe's accounts also highlight material connections between Askew and her texts by referring to some of the ways in which Askew was physically treated by the authorities, resulting from her construction by them as a heretic. At the end of his address to the reader in the *[L]attre [E]xaminacyon*, Bale stresses the physically constricting and criminal location in which Askew wrote her texts: they were written 'out of the preson'.<sup>42</sup> Foxe can be seen to raise a similar connection, albeit more problematically. At the end of his account of Askew's execution, Foxe describes Askew's debilitated physical state, resulting from her torture. Askew was 'brought into Smithfielde in a chayre, because she could not go on her feete, by meanes of her great tormentes [*italics mine*]'.<sup>43</sup> This raises the question of when, and by extension how, Askew wrote her texts. As Elaine Beilin points out, the precise chronology of the events detailed in the *Examinations* is hard to establish. This is partly due to the question of which calendar Askew was using as well as to conflicting accounts of the sequence of events.<sup>44</sup> Beilin concludes that:

The most likely chronology to emerge from contemporary records, including Askew's own account, is that she was arrested in March 1545, June 1545, and June 1546. [...] She could have written her account of her two examinations in two separate installments [*sic*], or perhaps she wrote the whole work early in July after her condemnation on 28 June and her racking on 29 June and before her execution on 16 July.<sup>45</sup>

Beilin's later proposition, that Askew possibly wrote the whole work between 29 June and 16 July 1546 is problematised, however, by Foxe's above account of Askew's physical state at her execution. If Foxe's account is reliable, it raises several questions, the answers to which can only be conjectured. If Askew was unable to walk because of her racking, how physically capable would she have been of writing in the sixteen days prior to her execution, as Beilin suggests? If

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<sup>42</sup> Ibid., p. 88.

<sup>43</sup> Ibid., p. 191.

<sup>44</sup> See, Beilin, 'Introduction', in *Examinations*, ed. by Beilin, pp. xx-xxiv.

<sup>45</sup> Ibid., p. xxii.



we accept that order in which the various documents appear in the *[L]attre [E]xaminacyon* as the order in which they were written, this suggests that Askew wrote her letter to John Lassells, her Newgate ‘confessyon of her faythe’ and her ‘Balade’ after she was tortured. However, as I have previously suggested, there is a possibility that the three subheadings are not Askew’s. Is it possible, therefore, that Askew did not physically write at least the three final texts of the *[L]attre [E]xaminacyon*? Did Askew possibly dictate them instead to her maid, as has been suggested? These are questions to which no certain answers can currently be made. Nevertheless, these questions bring to the fore the fact that the criminalization of Askew and some of the physical consequences of this bear directly on the production of the texts that are ascribed to Askew.

The third way in which the impact of Askew’s conviction and execution for heresy on the production of her texts can be seen is in the broader context of the printing and circulation of the *[E]xaminacyon[s]*; first in Germany, and later in England. The first editions of Bale’s *[E]xaminacyon[s]* were printed in Germany in November 1546 and January 1547. At this point, Askew’s texts could not be printed in England since she had been executed for heresy, and, owing to earlier Henrician legislation, printing heretical texts constituted a felony.<sup>46</sup> The physical location of the first printing of Askew’s texts is, therefore, determined by her criminalization. There is, however, a further textual aspect of these two editions that emphasises the impact of criminalization on the production of Askew’s texts: their colophons. Both the colophons of the two *[E]xaminacyon[s]* cite their place of publication, almost certainly falsely,<sup>47</sup> as ‘Marpurg’, a town 130 miles south-east of Wesel.<sup>48</sup> The significance of the colophons lies in the fact that in late 1546 and early 1547, Bale himself was in exile in Germany because his books had been banned in England by Henry VIII’s proclamation of 8 July 1546.<sup>49</sup> And, as John N. King has noted, Bale not only almost certainly chose Marpurg to avoid capture, but Bale also probably

<sup>46</sup> See Paul L. Hughes and James F. Larkin, eds, *Tudor Royal Proclamations* (New Haven and London: Yale University Press, 1964), I, pp. 181-86 (esp. p. 185). Indeed, according to the proclamation of 22 June, 1530, the circulation of Askew’s texts would also constitute a felony since they would fall under the category of heretical texts that had been printed abroad. See *ibid.*, pp. 193-97.

<sup>47</sup> See King, *English Reformation Literature*, p. 72.

<sup>48</sup> See *Examinations*, ed. by Beilin, pp. 71 and 158, respectively.

<sup>49</sup> See Hughes and Larkin, eds, *Proclamations*, I, pp. 373-76 (esp. p. 374).

chose Marpurg to style himself as the 'apostolic successor to William Tyndale', another prominent reformist printer who was burned for heresy and who used similar colophons.<sup>50</sup> Consequently, the colophons of the *[E]xaminacyon[s]* situate Askew's texts in the broader context of the criminalization of Protestants for heresy and its impact on the production of Protestant texts.

The influence of Askew's criminalization on the production and transmission of the *[E]xaminacyon[s]* can also be seen in their subsequent editions printed in England. In these cases, the effect of Askew's criminalization results in textual omissions. This is illustrated in two ways in some of the 1547, 1548 and 1550 editions. By February 1547, the staunchly reformist Edward VI had succeeded Henry VIII. Thus, Askew's religious sentiments became politically and religiously acceptable, which meant her texts could be circulated in England. However, the de-criminalization of Askew's texts also changed them. In some of the extant copies of the 1547 edition of the *[E]xaminacyon[s]*, a section of the text that refers unfavourably to Sir William Paget has been removed through the cutting and gluing together of two pages.<sup>51</sup> Paget was a prominent member of Edward VI's government, but, as one of Henry VIII's advisers, Paget had also been involved in the interrogations of Askew. One result of this censorship is that it literally obscures one instance of Askew's return to prison: 'And so I went to my ladyes [i.e. prison] agayne'.<sup>52</sup>

In addition to omitting the references to Paget, the other notable omission in the later editions of the *[E]xaminacyon[s]* of 1548 and 1550 is that of Bale's '*Elucydacyon[s]*'.<sup>53</sup> These editions omit Bale's texts entirely, printing Askew's *[E]xaminacyon[s]* as a continuous, uninterrupted text. It is possible that the omission of Bale's commentary was the printers' attempt to mitigate the overtly political tone of the *[E]xaminacyon[s]*. A considerable portion of Bale's commentary is a sustained attack on several prominent figures, like Paget, who were still alive, if not part of the new government. It is possible that such figures

<sup>50</sup> King, *English Reformation Literature*, p. 72.

<sup>51</sup> See Beilin 'Introduction', in *Examinations*, ed. by Beilin, p. xxviii, and *Examinations*, ed. by Beilin, pp. 101-02.

<sup>52</sup> Ibid., p. 101. 'My ladyes' here does not refer to a female member of the aristocracy but to 'my ladye Garnyshe' (ibid., p. 95) which is, as Beilin notes, 'Askew's ironic term for prison' since '[...] "garnish" is slang for the money jailors extorted from new prisoners (earliest *OED* citation: 1592) [...]' (ibid., p. 95).

<sup>53</sup> In 'Racking the Body', Freeman and Wall argue that it is likely that Foxe used the 1550 edition as his copy text for both the *Rerum* and, later, the *Acts and Monument[e]s*.

shared Stephen Gardiner, the Bishop of Winchester's condemnation of the *[E]xaminacyon[s]*.<sup>54</sup> As Freeman and Wall demonstrate though, it is Bale's 'misrepresentation of the events', rather than Askew's, which incensed Gardiner; 'Bale's "untruth [which] apereth evidently in setting forth the examination of Anne Askew which is utterly misreported"'.<sup>55</sup> In these later editions of 1548 and 1550 then, the *[E]xaminacyon[s]* form was arguably more affected by Bale's writing and his criminalization than by Askew's. Nevertheless, these editions still exemplify the impact of Askew's criminal status on the textual production of the *[E]xaminacyon[s]*. Bale's criminalization of prominent political and religious figures was written in response to Askew's experiences and texts. And, Bale's insertion of his reactions into Askew's writing shaped the form in which they were first published. The subsequent omission of Bale's responsive texts to Askew's writing in later editions served to re-shape Askew's texts yet again. In this way, the authorities' construction and treatment of Askew as a criminal can be seen to influence, albeit in a series of reactions, the various forms in which her texts were physically produced and re-produced in the mid-sixteenth century.

In this section, I have shown that the authorities' view of Askew as a criminal and some of the consequent ways in which she was physically treated play a crucial role in the textual production of her writings. And, by extension, this illustration emphasises the importance of approaching Askew's texts as an example of prison writing and recognising Askew's criminalized status. This illustration has also revealed our need to recognise the *Examinations* as a result of several acts of co-authorship. If this is true of our engagement with the textual production and transmission of the *Examinations*, then, it is also true, I believe, of our engagement with their content, particularly with their constructions of Askew's subjectivity. Accordingly, in the remainder of the chapter, I will focus specifically on how the early modern context of criminalization and its emphasis

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<sup>54</sup> See Beilin, 'Introduction', in *Examinations*, ed. by Beilin, p. xxix: 'Countering both Bale's and Foxe's conferral of martyrdom on Askew, Gardiner complained that the Askew text was "very pernicious, sedicious [*sic*], and slanderous," published by "vile inferior subjects" who impeached the honour of the late king by claiming Askew as a martyr'.

<sup>55</sup> Freeman and Wall, 'Racking the Body', p. 1169. Freeman and Wall further suggest this indicates 'that Bale's material role in the production of the narrative was acknowledged in his own time', thus illustrating another reason why Bale should be seen as Askew's co-author rather than editor (*ibid.*).

on the body *as*, and *in*, situations inform the construction of Askew's subjectivity in the *Examinations*, both by Askew herself and Bale.

#### ***IV.2. Omitting the Body and De-Criminalizing the Subject in Anne Askew's Texts***

A striking characteristic of the *Examinations* is Askew's reticence about her body and physical experiences. For example, in the *[F]irst [E]xaminacyon*, Askew notes that she was delivered to the Counter, primarily a prison for debtors, and 'there remayned xii. dayes, no frynde admytted to speake with me'.<sup>56</sup> All Askew records about this experience is her exchange with an unnamed priest.<sup>57</sup> Askew does not describe any other aspect of her experience of physical, and, she suggests, solitary, confinement. Both here, and throughout the *Examinations*, Askew apparently deliberately avoids referring to her body and physical experiences. In other words, Askew appears to consciously write her body and her physical experiences out of her narrative and the subjectivity that she constructs within it.<sup>58</sup> The disembodied nature of Askew's texts is mirrored in recent critical accounts of the *Examinations*. Various critics have explained Askew's frequent silence regarding her body in terms of her religious beliefs and religious purpose in writing these texts.<sup>59</sup> Articulating a widespread critical consensus, Elaine Beilin remarks that Askew's writing 'is implicitly the making of a Protestant hero, and possesses the simultaneous self-effacement and self-centeredness that such a role might be expected to entail'.<sup>60</sup> In order to style herself as a specifically Protestant martyr, Askew wishes to demonstrate that her

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<sup>56</sup> *Examinations*, ed. by Beilin, p. 31.

<sup>57</sup> See *ibid.*, pp. 31-36.

<sup>58</sup> Askew's silences regarding her body and physical experiences are highlighted by the fact that the *Examinations* were written in a two contexts that foreground physicality: judicial interrogation and confinement. Two other aspects of the content of the *Examinations* also highlight Askew's lack of emphasis on her body and physical experiences. The first is the prominence of the body of Christ in the Eucharist. Since Askew is charged with the heretical denial of transubstantiation, a large number of the questions she is asked by the authorities revolve around the presence of the real body of Christ in the Eucharist. The second aspect is the prominence of Catholic bodies in Bale's *Elycydacyon[s]* in his project of criminalizing Catholics and Catholicism.

<sup>59</sup> See, for example, Beilin, 'Challenge to Authority', p. 43; Trill, 'Religion', pp. 37-38; Knott, *Discourses*, pp. 56-58.

<sup>60</sup> Beilin, 'Challenge to Authority', p. 32.

faith provides her with a spiritual resilience that enables her to overcome, if not wholly eradicate, the physical deprivation and pain she is subjected to.<sup>61</sup>

I would like to suggest, however, another secular explanation for Askew's reticence about her body in her account of her subjectivity in the *Examinations*: the centrality of the body to early modern constructions of criminalized subjectivity.<sup>62</sup> Although the *Examinations* undeniably testify Askew's reformed faith, the *Examinations* are not primarily an exposition of Askew's religious beliefs. In the *Examinations*, Askew records her interrogations by the authorities and their attempts to criminalize her. By the same token, Askew also records her responses to the authorities' interrogations and her attempts to avoid providing answers that could criminalize her.<sup>63</sup> Consequently, the *Examinations* present us with a powerful example of one early modern woman's attempt to avoid being constructed as a criminal by the authorities. It is this fundamental aspect of the *Examinations* that explains Askew's repeated avoidance of referring to her body. Askew consistently refuses to refer to her body *as* her situation: the basis for the construction of criminalized subjectivity, since her body is placed *in* situations in which the possibilities of her criminalization by the authorities are high.

Accordingly, in this section, I will examine some of the strategies Askew employs to refrain from referring to her body and attempt to illustrate their impact on the subjectivity that Askew shapes in her texts. Specifically, I will attend to Askew's practices of replacing her body with another physical object, creating a disjunction between her body and her faith, metaphorically hiding her body from view, paradoxically emphasising that she is a woman and, finally, of downplaying her painful physical experiences.

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<sup>61</sup> According to this argument, Askew bears a remarkable similarity to various other martyrs, male and female, in Foxe's *Acts and Monument[s]* who declare that although they are physically tormented, they do not actually feel the pain. For a discussion of this, see, Mueller, 'Pain, Persecution and Self-Hood'.

<sup>62</sup> I am not suggesting here that Askew did not have religious reasons for writing her body out of her accounts. I am suggesting though, that a significant part of Askew's practice can be explained in terms of the authorities' attempts to criminalize her.

<sup>63</sup> Askew's critics frequently note what Kimberly Anne Coles calls Askew's 'system of evasion' (Coles, 'Reproductive Rites', p. 58). This 'system' includes the citation of scriptures, silence, and the use of questions as answers to the questions of her interrogators, all of which allow Askew to 'keep[...] her meaning indeterminate' (ibid.). Askew's critics have not yet, however, identified Askew's refusal to refer to her body as one of her strategies to avoid criminalization.

Evidence of Askew removing her body *as* her situation from the situation she is *in* to avoid criminalization is found at the beginning of the *[E]xaminacyon[s]*. During Askew's initial interrogation, Askew responds to her interrogator's question about the nature of the Eucharist by asking a scriptural question: 'wherefore S. Steven was stoned to deathe?'<sup>64</sup> By cryptically encoding her answer in a reference to the Bible, Askew displaces the material origin of meaning from herself to the Bible. Since her answer derives from a physical object outside of her body, Askew cannot be seen as the author, or the physical origin, of her answer. Consequently, the meaning that she refers to is not one that is located within her body, and, therefore, within her subjectivity. It is not a meaning for which Askew can be held responsible and, cannot therefore, be a meaning that can be physically extracted from her. Furthermore, Askew shifts the debate from what might potentially happen to her body to what happened to another body: the body of St. Steven. Thus, Askew extracts her body *as* her situation, and, therefore, the basis of her subjectivity, from the situation *in* which her body is placed. Indeed, in her response to the following question, Askew repeats this strategy in an even more literal manner. '[A] woman', claims the interrogator, has 'testyfe[d] that [Askew] shuld reade, how God was not in temples made with handes'.<sup>65</sup> Askew responds by showing her interrogator the Bible: she 'shew[s] hym the vii. and the xvii. chaptre of the Apostles actes'.<sup>66</sup> In an unambiguous visible motion, Askew identifies the Bible as the physical location of her truth, not her own body.<sup>67</sup>

Another instance of Askew's strategy of extracting her body from the situation she is *in* can be seen in the disjunction she establishes between her body and faith in her response to the question of the 'yll pre[i]st' administering the communion.<sup>68</sup> After denying that she 'never spake soche [a] thyng', and, therefore, denying that she is the physical origin of such a statement, Askew affirms

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<sup>64</sup> *Examinations*, ed. by Beilin, p. 20. St Stephen, the first Christian martyr, was stoned to death for asserting that God 'dwelleth not in temples made with hand' (Acts 7:48).

<sup>65</sup> *Examinations*, ed. by Beilin, p. 20.

<sup>66</sup> *Ibid.*

<sup>67</sup> Askew does this again with another book: John Frith's, *A disputacion of Purgatorye* (Monster [sic], 1533). This takes places in the *[F]irst [E]xaminacyon* during Askew's encounter with the Archdeacon, while she is waiting to be examined by Edmund Bonner, the Bishop of London. See *Examinations*, ed. by Beilin, p. 43.

<sup>68</sup> *Ibid.*, p. 22.

[t]hat what so ever he were, whych mynystred unto [her], hys yll condycyons coude not hurte [her] faythe. But in sprete [*sic*] [she] receyved never the lesse, the bodye and bloude off Christ.<sup>69</sup>

Askew states here that the physical ‘yll condycyons’ of the priest will not affect her ‘fayth’.<sup>70</sup> Askew avoids stating that ‘I will not be affected’, since ‘I’ includes the body. Instead, she refers only to her spiritual state. By establishing a disjunction between her body and her faith, Askew shifts the focal point away from the physical effect of the communion to its spiritual effect. Thus, Askew disembodies her subjectivity; she negates the physical dimensions of her subjectivity and presents it as a wholly spiritual entity.

Yet another way in which Askew attempts to remove her body from the situation it is *in*, is to metaphorically hide it from view. This occurs in one of the most physically fraught exchanges in the *[F]irst [E]xaminacyon*; Askew and Bonner’s exchange in relation to his use of what Askew calls an ‘unsaverye symylytude’.<sup>71</sup> In his attempt to elicit a confession of heretical beliefs out of Askew, Bonner declares

[...] That if a man had a wounde, no wyse surgeon wolde mynystre helpe unto it, before he had seane it uncovered. In lyke case (sayth he [i.e. Bonner]) can I geve yow no good counsell, unlesse I knowe wher with your consyence is burdened. I answered, that my conscience was clere in all thynges. And for to laye a playstre unto the whole skynne, it might apere moche folye.<sup>72</sup>

Possibly drawing on the association of Christ with a physician, Bonner compares himself to a ‘surgeon’ and figures a troubled conscience as an unwholesome wound in need of medical attention.<sup>73</sup> Given the interrogatory situation in which this is articulated, Theresa Kemp comments that Bonner’s comparison ‘perverts the medical process for, although uncovering a wound may lead to the restoration

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<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid., p. 45.

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

of bodily integrity, confession in court would lead to its opposite through the punishment meted out for the crime' of heresy.<sup>74</sup>

This context, however, suggests an additional significance to these unpleasant images. Bonner's analogy can also be seen to draw on the early modern understanding of the criminalized body. By comparing Askew, who is, in Bonner's opinion, a heretic to a 'wounde[d]' person,<sup>75</sup> Bonner constructs Askew as a person whose 'bodily integrity' is compromised.<sup>76</sup> In other words, Bonner constructs Askew in terms of the deviance of her body from the natural, virtuous and legal state, thus identifying it as a criminalized body. However, because Askew has not yet confessed to the heresy which 'burdene[s]' her 'conscience', her physical 'wounde' remains hidden from view.<sup>77</sup> Askew responds by first focusing on her spiritual state and asserts that her 'conscience [is] clere in all thynges'.<sup>78</sup> In doing so, Askew also implies that, within the framework of Bonner's analogy, her body is neither 'wounde[d]' nor, therefore, criminal.<sup>79</sup> Askew then seems to attempt to mock Bonner's attempts to elicit a confession of heresy out of her by defusing Bonner's 'unsaverie symylytude', extending it to its ludicrous conclusion.<sup>80</sup> Since Bonner does not believe that Askew's conscience is clear, and since Askew is refusing to tell him how and where she is spiritually, and therefore, physically, wounded, the only solution is for Askew's 'whole skynne' to be covered by 'a playstre'.<sup>81</sup> However, this 'might apere moche folye'.<sup>82</sup> In doing this, Askew can be seen to assert the health of her body; it does not need to be covered by a plaster and to do so would be stupid. This suggests that Askew is re-asserting her non-criminal state by asserting the wholesomeness of her body, and, that Askew is foregrounding her body *as* her situation. At the same time, however, the image of Askew's 'whole skynne' being covered with a 'playstre' portrays a body whose outline is the only thing that can be seen.<sup>83</sup> If Askew's body is covered in entirely in plaster, then, even if

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<sup>74</sup> Kemp, 'Translating (Anne) Askew', p. 1026.

<sup>75</sup> *Examinations*, ed. by Beilin, p. 45.

<sup>76</sup> Kemp, 'Translating (Anne) Askew', p. 1026.

<sup>77</sup> *Examinations*, ed. by Beilin, p. 45.

<sup>78</sup> *Ibid.*

<sup>79</sup> *Ibid.*

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.*

<sup>83</sup> *Ibid.*



it is wounded, neither the wound itself nor a plaster indicating its specific location can be seen.

Perhaps the most complex ways Askew removes her body from the situations she is *in* are found in the occasions where she, paradoxically, appears to foreground it. At several junctions during the interrogations, Askew draws attention to the fact that she is a woman. In doing so, Askew draws attention to her female body *as* her situation. However, Askew also draws on contemporary gender norms that construct the female body as inherently inferior to the male body. And, it is through her employment of this specific emphasis that Askew manages to remove her body *as* her situation from the situation *in* which it is placed.<sup>84</sup> There are two notable instances where Askew does this.

While being interrogated by the unnamed priest the first time she is sent to the Counter, Askew is asked whether a 'beast' that ate a part of the Eucharist 'ded receyve God or no'.<sup>85</sup> This question is grounded in physicality, both affirmative and negative answers to which are heretical. To answer this question in the affirmative is to state heretically that animals possess souls. To answer it in the negative is to state heretically that God is not present in the sacrament. Askew sidesteps the potential heresy of both responses by refusing to answer the question and demanding that the priest do so instead. The priest objects that 'it was agaynst the ordre of scoles, that he whych asked the questyon, shuld answere it'.<sup>86</sup> Crucially for Askew, the priest's refusal provides her with the opportunity she needs to extract her body and subjectivity from the framework of the debate as well as the theological question at hand. Askew declares that she is 'but a woman, and [knows] not the course of scoles'.<sup>87</sup> Askew draws the priest's attention to contemporary gender norms and practices. Since Askew is 'but a woman', Askew is both intellectually and physically incapacitated from engaging

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<sup>84</sup> There are instances where Askew explicitly contravenes contemporary gender norms by not remaining silent. For example, Askew corrects the Chancellor of the Bishop's interpretation of 1 Corinthians 14 [i.e. 1 Corinthians 14:34] (see, *ibid.*, pp. 29-30). Askew's primary object here, however, is not to write her body out of her account but to demonstrate the authorities' erroneous understanding of scripture and the illegality of their proceedings.

<sup>85</sup> *Examinations*, ed. by Beilin, p. 34. As with the question of the 'yll pre[i]st' and his physical effect on the Eucharist, this question is put to Askew on more than one occasion. This is the second time that Askew is asked this question; she is first asked this by the Mayor of London. See *ibid.*, p. 27.

<sup>86</sup> *Examinations*, ed. by Beilin, p. 34.

<sup>87</sup> *Ibid.*

in this discussion.<sup>88</sup> Askew's body *as* her situation, and therefore her gender, determines the sort of education she would be expected to have received.<sup>89</sup> By referring to her body, then, Askew foregrounds the fact that she is physically situated outside the intellectual and practical frameworks of the 'course of scoles', and thus outside the current debate.<sup>90</sup>

The second time Askew excises her body *as* her situation from the situation she is *in* by drawing attention to the fact that she is a woman is during her interrogation by Bonner at his house. Doctor Standish wants Askew to interpret a 'text of S. Paule',<sup>91</sup> Acts 7, and possibly Acts 17, in which St. Paul states that God is not found in temples made by hands, since Askew has referred to it in response to questions about her views on the Eucharist on more than one occasion.<sup>92</sup> Rather than referring to her previous responses, Askew adopts a different strategy here. Drawing on another biblical passage, possibly 1 Corinthians 14, and in keeping with contemporary gender norms, Askew refers to the Pauline injunction that as 'a woman' she 'shuld [not] interprete the scriptures'.<sup>93</sup> Askew reminds Standish that her body *as* her situation bars her from interpreting scriptures. Her body invalidates both the possibility and her ability to engage in such an activity. She cannot, therefore, comply with Dr. Standish's request since it is beyond the scope that her body grants her. Moreover, adds Askew ironically, she is doubly disabled from attempting such a project. Not only is she a woman, but she is a woman who is 'where so manye wyse lerned men [are]'.<sup>94</sup> Within the specific context of theological exposition and disputation, the presence of male bodies renders the female body redundant. There is no place for Askew's body here.

Askew's desire to write her body out of her narratives is most apparent, however, when she has no choice but to refer to her body. This can be most clearly seen in the *[L]attre [E]xaminacyon* where she recounts her apparently

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<sup>88</sup> Ibid.

<sup>89</sup> Areas such as rhetoric and theology, subjects entailed in the 'course of scoles', were not part of the prescribed learning for women at this time (ibid.). Similarly, a woman's firsthand experience of actual schooling was a very limited affair, if, indeed, it happened at all.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid., p. 54.

<sup>92</sup> See, for example, ibid., pp. 20-21 and p. 49.

<sup>93</sup> Ibid., p. 54. Ironically, Askew's scriptural citation entails the process of interpretation; she needs to interpret the scriptures in order to cite the relevant text. However, none of her examiners appears to challenge her on this front.

<sup>94</sup> Ibid.

life-threatening illness and her racking in the Tower of London. Significantly, in both cases, the situations Askew is *in* have fundamentally changed from the previous situations. In the case of her extreme illness, Askew's criminalization by the authorities is a foregone conclusion. For, although Askew has not been formally condemned, Bonner has told her that she 'shuld be brente'.<sup>95</sup> And, in the case of her racking, Askew has already been illegally condemned at the Guildhall.<sup>96</sup> Consequently, Askew is no longer capable of avoiding judicial construction as a criminal. Askew's evident unwillingness to refer to her physicality in both these cases cannot, therefore, be ascribed to her attempt to de-criminalize herself in the eyes of the authorities. However, such unwillingness can perhaps be ascribed to Askew's desire to counter her criminalization by the authorities in the eyes of her readers. In other words, Askew continues to write her body out of her narrative as much as possible in her texts written after her condemnation in order to maintain her de-criminalized status in her readers' constructions of her subjectivity.

The first instance of this occurs in Askew's conclusion to 'The summe of [her] examynacyon afore the kynges counsell at Grenewyche'.<sup>97</sup> Soon after this interrogation, Askew notes she

was sore sycke thynkyng no lesse than to dye [...] For in all [her] life afore,  
was [she] never in soch payne.<sup>98</sup>

By Askew's standards, this level of physical description is considerable. Paula McQuade offers a persuasive interpretation of Askew's motivation for providing such a precise description of her physical state. McQuade argues that Askew is providing her readers with a physical event that indicates her decision to state her beliefs unambiguously to the Privy Council and thereby effectively condemning herself to death.<sup>99</sup> Askew is literally 'thynkyng no lesse than to dye'.<sup>100</sup> If

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<sup>95</sup> Ibid., p. 98.

<sup>96</sup> As Askew herself notes, she was 'condempned [*sic*] without a quest' (ibid., p. 112). McQuade elaborates on this, pointing out that condemnation without an inquest was, in fact, illegal according to the common law. See McQuade, "Except that they had offended the Lawe", p. 8.

<sup>97</sup> *Examinations*, ed. by Beilin, pp. 91-103.

<sup>98</sup> Ibid., p. 102.

<sup>99</sup> McQuade, "Except that they had offended the Lawe", pp. 9-10. According to McQuade, here, Askew is 'purposefully attempting to shape her narrative upon an established literary model [...]

McQaude is correct, Askew needs to use her body to indicate to her readers that she is about to confess. Nevertheless, Askew's direct references to her physical state; 'sore ... dye' and 'I never ... payne', are articulated between matter-of-fact sentences: 'Then they made me a byll of the sacrament, wyllynge me to set my hande therunto, but I wolde not. [...] Therfore I desyred to speake with Latymer it wolde not be. Then was I sent to Newgate [...] Thus the lorde strengthen yow in the truthe'.<sup>101</sup> And while Askew relates that she was 'sent to Newgate in [her] extremyte of sycknesse', she simply states that it was at this point that she was most ill; she does not elaborate further.<sup>102</sup> Moreover, if Askew's references to her illness are seen in a slightly larger context, a different sense of emphasis is perceptible:

Then came to me doctor Coxe, and doctor Robynson. In conclysyon we coule not agree. Then they made me a byll of the sacrament, wyllynge me to set my hande therunto, but I wolde not. *Then on the sondaye I was sore sycke, thynkyng no lesse than to dye.* Therfor I desyred to speake with Latymer it wolde not be. Then was I sent to Newgate *in my extremyte of sycknesse.* For in *all my lyfe afore, was I never in soch payne.* Thus the lorde strengthen yow in the truthe. Praye, praye, praye [*italics mine*].<sup>103</sup>

Askew's reference to her illness is included in a litany of events. It appears, therefore, that although Askew needs to draw attention to the state of her body *as* her situation to indicate her momentous decision to her readers, she also desires to do so fleetingly.

This assessment of the apparent tension between Askew's apparent need to emphasise and de-emphasise her body is supported when this passage is compared to that which details her racking. Furthermore, such a comparison demonstrates Askew's continuing refusal of her criminalization:

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through the biblical story of Saul in Tarsus, in which moments of profound psychological transformation are thematically marked by episodes of extreme physical suffering' (ibid., p. 9).

<sup>100</sup> *Examinations*, ed. by Beilin, p. 102.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

<sup>103</sup> Ibid.

Then they ded put me on the racke, bycause I confessed no ladyes nor gentyllwomen to be of my opynyon, and theron they kepte me a longe tyme. And bycause I laye styll and ded not crye, my lorde Chauncellour and mastre Ryche, toke peynes to racke me their owne handes, tyll I was nygh dead.<sup>104</sup>

[....]

Then the lyefetenaunt caused me to be loused from the racke. Incontynentlye I swounded, and then they recovered me agayne. After that I sate ii. longe houres reasonyng with my lorde Chauncellour upon the bare floore, where as he with manye flatteryng wordes, persuaded me to leave my opynyon. But my lorde God (I thanke hys everlastyng goodnesse) gave me grace to persever, and wyll do (I hope) to the verye ende.<sup>105</sup>

[....]

Then was I brought to an howse, and layed in a bed, with as werye and payneful bones, as ever had pacyent Job, I thanke my lorde God thereof.<sup>106</sup>

Presumably Askew's experience of being racked was considerably more painful than her illness. In these passages that recount her racking though, the extent of Askew's commentary on how she physically feels is restricted to her noting that, after it is all over, she has 'as werye and payneful bones, as ever had pacyent Job'.<sup>107</sup> There is nothing in this account that compares to her previous exclamations of being 'sore sycke, thynkyng no lesse than to dye' and of never 'in all [her] lyfe afore,' being 'in soch payne'.<sup>108</sup> Askew's account of her torture is almost clinical in its detachment. Indeed, it is almost as if she is talking about another person's body. As Kimberly Anne Coles comments, this episode has a distinctly 'disembodied quality' about it:

[w]e understand [Askew's] bodily experience obliquely: she does not observe her pain, only her response to it. [...] Her torture is imparted as a series of sensory events; she admits bodily awareness but not bodily experience.<sup>109</sup>

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<sup>104</sup> Ibid., p. 127.

<sup>105</sup> Ibid., p. 130.

<sup>106</sup> Ibid., p. 132.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid., p. 102.

<sup>109</sup> Coles, 'Reproductive Rites', p. 60.

In other words, Askew does not admit to the experience of torture; the state-sanctioned machinery used specifically on criminals. Askew notes that she is 'put [...] on the racke' where she is '[...] kepte [...] a longe tyme', but she does not note how this feels.<sup>110</sup> All Askew notes is her reaction to this; that she 'laye styll and ded not crye'.<sup>111</sup> Such a reaction denotes a lack of physical response on Askew's part. Nor does Askew allow the reader any access to the increasing pain she must have suffered that underlines her observation that, as a result of her stoicism, the Lord Chancellor and Master Rich themselves took over her racking 'tyll [she] was nygh dead'.<sup>112</sup> Even Askew's reference to her swooning, implying the severity of the experience, is countered by her almost immediate revival: 'and then they recovered me agayne'.<sup>113</sup> The most emphatic statement Askew makes here is about the length of time that she subsequently spends 'reasonynge' with the Lord Chancellor.<sup>114</sup> It is not the highly physical torture that Askew has just undergone that is described as 'longe', but her discussion with the authorities.<sup>115</sup>

Various critics have commented on Askew's reticence about her physical experiences of racking and have explained it in terms of her faith, such as Kimberly Anne Coles.<sup>116</sup> I would like to suggest here, however, that placing Askew's account of her torture within the context of criminalization offers an additional perspective from which to view Askew's minimal references to her body. In a sense, whatever Askew does or does not do, whatever she says or does not say on the rack is irrelevant. A confession or a refusal to reveal the names of other women who share Askew's beliefs is not going to change her bodily fate; she is still going to be burnt for heresy. What is relevant to Askew is how her readers will construct her subjectivity in her account. Askew may not have been able to convince the authorities of her innocence, but she can still convince her readers of it. Given the nature of being racked, Askew cannot avoid the underlying physicality of the experience that she relates. However, Askew can shape her narrative to minimise her emphasis on her body. Consequently, Askew

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<sup>110</sup> *Examinations*, ed. by Beilin, p. 127.

<sup>111</sup> *Ibid.*

<sup>112</sup> *Ibid.*

<sup>113</sup> *Ibid.*, p. 130.

<sup>114</sup> *Ibid.*

<sup>115</sup> *Ibid.*

<sup>116</sup> Coles, 'Reproductive Rites'. See also, for example, Trill, 'Religion', pp. 37-38; Knott, *Discourses*, pp. 56-57.

refuses to present her body *as* her situation as the body of a criminal in her account; she refuses almost entirely to acknowledge the severity of her physical experiences *in* the situation of her racking. And, more importantly, she therefore refuses to construct her subjectivity in the terms of criminalization, in terms of her physical experiences and her body. Askew cannot now change the authorities' criminalization of her. But Askew can still influence the views of her readers.

Elaine Beilin has demonstrated that Askew consistently refuses to engage in the language, religious discourse and interrogative projects of the authorities.<sup>117</sup> I have suggested here that Askew can be seen to engage in a similar refusal within the context of criminalization. Askew refuses the authorities' process of criminalizing her by refusing to allow them access to her body. In removing her body *as* her situation from their view, she removes the grounds upon which criminalized subjectivity is constructed in the early modern period. I have also argued that Askew's project of de-criminalization extends beyond the immediacy of her examiners and her examinations. In her continued reticence about her body and physical experiences after her formal criminalization, Askew continues to counter her criminalization by refusing to construct her subjectivity in these terms. Askew does not see herself as a criminal and refuses to present herself as such to posterity. As Askew stresses on several occasions, she is 'no heretyke, neyther yet deserved [she] anye deathe by the lawe of God'.<sup>118</sup>

#### ***IV.3. Reinserting the Body and De-Criminalizing the Subject in John Bale's 'Elucydacyon[s]'***

Anne Askew writes her body out of her texts in a move to first avoid criminalization by the authorities and then to de-criminalize her subjectivity for her readers. By contrast, John Bale apparently attempts to re-insert Askew's body into the account of her subjectivity in the *[E]xaminacyon[s]* in his 'Elucydacyon[s]'. Throughout the 'Elucydacyon[s]', Bale highlights Askew's

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<sup>117</sup> Beilin, 'Dialogue with Authority'.

<sup>118</sup> *Examinations*, ed. by Beilin, p. 110.

body and physical experiences in his commentary on Askew's texts where she omits them. Hitherto, critics have seen Bale's engagement with Askew's body and his emphasis on its physical frailty in religious terms; as grounded in Bale's project of creating a Protestant martyr by demonstrating the strength and divine sanction of Askew's beliefs.<sup>119</sup> Like Foxe after him, Bale needs to re-introduce Askew's body into the *[E]xaminacyon[s]* to visibly witness her martyrdom. However, in keeping with the general critical view of Bale as Askew's 'bad' editor,<sup>120</sup> Bale's commentary on Askew's body in his *'Elucydacyon[s]'* has also been frequently seen as a repressive male structure imposed on Askew's female narrative and construction of subjectivity.

If, however, Bale's re-insertion of Askew's body is viewed in the context of early modern criminalization as well as an act of co-authorship, it can be seen in a more positive light; Bale's reinsertion of Askew's body can be understood as a response to Askew's criminalization, rather than an attempt to pacify Askew's body and, therefore, her subjectivity. As we have already seen, according to the early modern understanding of criminalization, the body is central to the demonstration of both guilt and innocence.<sup>121</sup> We have also seen, however, that since Askew writes her body out of her texts, they do not lend themselves to either kind of demonstration. I would like to suggest that, for a co-author like Bale who wishes to prove Askew's innocence, this bodily absence constitutes a source of anxiety. On the one hand, Askew's subjectivity, as it appears in her texts, is arguably unbalanced; there is a voice, but there is no body. Askew's verbal witnessing is neither grounded in, nor reinforced by, a witnessing body. On the other hand, Askew's removal of her body results in a void in her account of her subjectivity that could easily be filled by later readers in counter-Protestant ways.<sup>122</sup> Bale, therefore, needs to reinsert Askew's self-removed body into the narrative in order to offer a more balanced subjectivity and defend her from the

<sup>119</sup> See, for example, Kemp 'Translating (Anne) Askew'; Knott, *Discourses*; Trill, 'Religion'; Peters, *Patterns of Piety*; King, *English Reformation Literature*; Watt, *Secretaries of God*.

<sup>120</sup> See Section I above.

<sup>121</sup> See Chapter II.

<sup>122</sup> Two works by Catholic polemicists that do precisely this are Miles Hogarde in *[D]isplaying*, and N. D. [i.e. Robert Parsons] in *The Third Part Of A Treatise Intituled Of Three Conversions Of England* ([St Omer], 1604), II. Both Catholic writers employ the now familiar strategy of criminalizing Protestantism by criminalizing a prominent Protestant woman. Both writers locate evidence of Askew's criminalized subjectivity in what they identify as Askew's unnatural and sinful body. See Hogarde, *[D]isplaying*, fols 47<sup>v</sup>-48<sup>r</sup>: sigs E.vii.<sup>v</sup>-E.viii.<sup>r</sup> and Parsons, *Conversions*, pp. 491-99: sigs Hh8<sup>r</sup>-sig. Ii2<sup>r</sup>.



accusation of criminality that would inevitably be based on Askew's physicality. In other words, Bale's wish to reinsert Askew's body into the *[E]xaminacyon[s]* originates, ironically, in the same desire that drives Askew to excise it from her narrative, to de-criminalize Askew's subjectivity.

Bale's project of reinserting and validating Askew's body is apparent from the beginning of his '*Elucydacyon[s]*'. In his prefatory epistle to the *[F]irst [E]xaminacyon*, having situated Askew within the context of historical and contemporary martyrs, Bale provides the reader with more personal information about her. The first aspect that Bale mentions is Askew's descent; the ways in which her body *as* her situation informs her subjectivity. Although Bale acknowledges that neither 'worthynesse in the flesh' nor 'worldlye noblenesse' results in divine acceptance, Bale expounds Askew's lineage, which he stresses in terms of physical descent.<sup>123</sup> Askew 'was [...] borne of a verye auntyent and noble stocke' and her father was 'a worthye knyght'.<sup>124</sup> This demonstrates the 'worthynesse *in* [Askew's] flesh [*italics mine*]'; Askew's body *as* her situation marks her as both 'noble' and 'worthy', which, in turn, informs her subjectivity.<sup>125</sup> These are attributes that she has inherited from her father. In the context of criminalization, Bale refers to Askew's father rather than her mother, for it was believed that a child was more likely to inherit the criminalized traits of its mother rather than its father.<sup>126</sup>

It is, however, the physical evidence that Askew's body later provides that constitutes the majority of Bale's defence. Bale locates such physical evidence in Askew's martyrdom. After briefly comparing Askew to Lydia and Cecilia (two female martyrs of the Primitive Church), Bale launches into an extended comparison between Askew and Blandina (another female martyr of the Primitive Church).<sup>127</sup> This is one of Bale's most critically noted expositions of Askew's body in which he illustrates the divine source of Askew's strength.<sup>128</sup> This is apparent in Bale's first comparison: although Askew, like Blandina, 'was

<sup>123</sup> *Examinations*, ed. by Beilin, p. 9.

<sup>124</sup> *Ibid.*

<sup>125</sup> *Ibid.*

<sup>126</sup> See Chapter III.

<sup>127</sup> Blandina is one of the martyrs of the Primitive Church whose martyrdom is related in depth in Eusebius' *Ecclesiastical History*. See, Meredith Hanmer, trans., *The Avncient Ecclesiasticall Histories* (London, 1577), pp. 77-80: sigs Gijj-Giiij<sup>v</sup>.

<sup>128</sup> *Examinations*, ed. by Beilin, pp. 10-12.

yonge and tender', 'that whych was *frayle of nature* [italics mine]' was 'made most stronge by [Christ's] grace'.<sup>129</sup> The most immediate, and most pertinent, illustration of Askew's non-criminal subjectivity for Bale is divine approval. If one is not sinful, it follows that one is not unnatural or felonious.

However, Bale also locates his evidence of Askew's innocent subjectivity in her body; in physically demonstrable virtues of her body *as* her situation, rather than abstracted ones. Importantly for Bale, Askew's body retains its physical integrity. '[I]n all her enprysonynges and tormentes', Askew is both 'lyvlye and quyck'.<sup>130</sup> In spite of her physical confinement and tortures, Askew does not simply manage to stay alive. Rather, as Bale's adjectives suggest, Askew is 'animat[ed]', 'active[...]', 'vigorous'<sup>131</sup> and 'endowed with life'.<sup>132</sup> Bale's depiction of Askew implies her possession of a body that is healthy, whole and vibrant; a body that is not broken or affected by the gruelling physical deprivations which it is subjected to by the authorities. When Askew is placed 'on the racke', for example, she makes 'no noyse'.<sup>133</sup> Askew's silence indicates the ability of her body to withstand the pain to which it is subjected. Her body emits neither a voluntary nor an involuntary response to the racking. Alternatively, when Askew is tied to the stake, she 'shewe[s] a vysage unterrifyed'; her 'countenaunce [is] stowte, myghtyte and earnest'.<sup>134</sup> Askew's body does not betray itself by exhibiting changes that could be construed as weakness and therefore guilt. Despite the body's impending annihilation, it presents itself as integrated organic whole. In this way, Askew's body does not provide any visible physical evidence of being affected by the situations *in* which it is placed. It is not visibly affected by the physical torments it is subjected to and does not become deformed and monstrous. Hence, Askew's body cannot be identified as criminal and, thus, her subjectivity cannot be constructed as criminal.

However, Askew's swooning after being loosed from the rack is clearly problematic for Bale.<sup>135</sup> First, Askew's swooning deviates from Bale's parallels

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<sup>129</sup> *Ibid.*, p. 10.

<sup>130</sup> *Ibid.*, p. 11.

<sup>131</sup> *OED*, 3.

<sup>132</sup> *OED*, A.I.1.a.

<sup>133</sup> *Examinations*, ed. by Beilin, p. 11.

<sup>134</sup> *Ibid.*, p. 12.

<sup>135</sup> See *ibid.*, p. 11.

between Askew and Blandina. More worrying though, the swooning indicates that Askew's body succumbed to the effects of physical torture. Bale's most immediately obvious move to counter this is to declare that Askew did not faint in 'sprete'.<sup>136</sup> However, Bale also describes the physical effects of Askew's torture as internal. Askew was 'so terrybly racked [...] that the strynges of her armes and eyes were peryshed'.<sup>137</sup> The 'strynges', or the 'ligament[s]', 'tendon[s]' or 'nerve[s]', are located within the body and are not externally visible.<sup>138</sup> In Bale's description, therefore, Askew's body still retains its external integrity; it does not incriminate her before the authorities because it does not visibly capitulate.

Thus, Bale goes to considerable lengths to emphasise not only Askew's body, but also its demonstrable integrity. This emphasis is due in no small part to the fact that she is a woman. According to early modern gender formulations, under normal circumstances, a woman's body was seen as fluid and susceptible to external physical influences because of its perceived inherent weakness. If therefore, a woman's body is placed in abnormal physical circumstances, as Askew's is, her body is more likely to lose its physical integrity. In Askew's case, such a loss would indicate a lack of moral and spiritual integrity which would, in turn, be constructed as evidence of a criminal and sinful subjectivity. As Bale's descriptions reveal though, he goes to great pains to illustrate that Askew's female body and subjectivity do not function in this way. Apart from his reference to 'that whych was frayle of nature' which could be construed as a reference to the natural physical weakness of the female body, Bale hardly refers to Askew's sex.<sup>139</sup>

In addition to its content, another important aspect of Bale's exposition of Askew's body is its location at the beginning of the *[F]irst [E]xaminacyon*. By portraying Askew's body as whole and non-criminal at this point in the text, Bale presents Askew's subjectivity as both embodied and innocent. Bale can therefore be seen as countering Askew's omission of her body by providing the reader with an account of it which he or she subsequently takes to Askew's texts.

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<sup>136</sup> Ibid.

<sup>137</sup> Ibid.

<sup>138</sup> Respectively, *ibid.*, and *OED*, I.2.a.

<sup>139</sup> *Examinations*, ed. by Beilin, p. 10.

Bale's re-insertion of Askew's body into the narrative of the *[E]xaminacyon[s]* is also evident within them. One of the most prominent examples of this is found in his commentary on Askew's racking in the *[L]atthe [E]xaminacyon*. In Askew's account, she minimises her description of this highly physical experience. By contrast, in his commentary, Bale devotes a considerable amount of space to it. In this instance though, Bale adopts a slightly different strategy from that employed at the beginning of the *[F]irst [E]xaminacyon*. Rather than de-criminalizing Askew's body by illustrating its integrity, Bale de-criminalizes Askew's body here by criminalizing the people that subject it to this mode of judicial punishment.<sup>140</sup>

The two people whom Bale targets are Thomas Wriothesley, the Lord Chancellor and Master Rich: the two men who, according to Askew, racked her till she was 'nygh dead'.<sup>141</sup> In the first place, according to Bale, these men's actions mark them as insane; they have 'forg[otten] themselves and los[t] their ryght wittes'.<sup>142</sup> Their loss of reason, however, does not simply denote madness. It also denotes a fall from the human state into bestiality, which is one way in which early modern criminality is identified.<sup>143</sup> Of the two men, Bale singles Wriothesley out for the most scathing criminalization: as '[a] kynges hygh counsellor' and 'a Judge', Wriothesley is a public figure who should uphold justice.<sup>144</sup> Instead, Wriothesley becomes the very thing that he is meant to punish. His actions reveal him as both bestial and a 'most vyle slave for Antichrist'.<sup>145</sup> Consequently, Wriothesley is particularly criticised for his loss of 'all dyscrecyon, honestye and manhode'.<sup>146</sup> This, as Theresa Kemp demonstrates, is significant since 'Bale's depiction of the chancellor [...] connote[s] gender impropriety', aligning Wriothesley with 'women', "'female conduct'", and the "'chastity [...] of a woman'".<sup>147</sup> There is a further implication behind Bale's remarks. Bale's reference to Wriothesley's loss of 'manhode' is

<sup>140</sup> Part of Bale's project in the *[E]xaminacyon[s]* is to criminalize Catholics and Catholic doctrine.

<sup>141</sup> *Examinations*, ed. by Beilin, p. 127.

<sup>142</sup> *Ibid.*, p. 128.

<sup>143</sup> See Chapter II.

<sup>144</sup> *Examinations*, ed. by Beilin, p. 128.

<sup>145</sup> *Ibid.*

<sup>146</sup> *Ibid.*

<sup>147</sup> Kemp, 'Translating (Anne) Askew', p. 1032.

not simply a question of 'gender impropriety'; it is also an instance of Wriothesley's unnaturalness.<sup>148</sup>

Both Wriothesley and Rich are, asserts Bale, 'blasphemouse apostataes [sic] from God'.<sup>149</sup> They are deeply sinful men for having known and turned away from belief in the true faith. The only explanation for this is that they have been 'inchaunted' by the Pope, or they have been 'bewytched' by a 'devyll of helle'.<sup>150</sup> Only devilish intervention can have possessed them to carry out so 'prodygyouse [i.e. monstrous] a kynde of tyrannye'.<sup>151</sup> All Wriothesley and Rich have gained though, notes Bale, is 'perpetuall shame and confusyon'.<sup>152</sup> They will be remembered in the annals of history as being tyrants like Herod and Nero.<sup>153</sup> In His infinite wisdom, and in keeping with the early modern need for the criminal to demonstrate his or her criminality, 'God hath suffered [them] [...] to dyscover [their] owne myscheves'.<sup>154</sup> Their criminal actions have revealed their criminal subjectivities.

Askew's body, on the other hand, clearly reveals its innocence. In Askew's body that has been 'so cruellye tormented' cannot be 'seane a more clere and open experyment of Christes dere membre, than in her myghtye sufferynge[s] [...]'.<sup>155</sup> Once again, Bale highlights the violations carried out by the torturers on Askew's body, noting her resilience and silence. Unlike his opening exposition in the *[F]irst [E]xaminacyon*, here, Bale emphasises the frailty of Askew's body, expanding upon the physical effect the racking has had on Askew's body. Bale now notes that 'the synnowes of her armes were broken and the strynges of her eys [sic] perished in her heade'.<sup>156</sup> Furthermore, he draws the reader's attention to the fact that this is the body of 'a yonge, tendre, weake, and sycke woman'.<sup>157</sup> Indeed, the ability to withstand the 'vyolent handelynge' that has been inflicted on Askew's body '[sur]passe[s]' not only her strength, but also

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<sup>148</sup> Respectively: *Examinations*, ed. by Beilin, p. 128, and Kemp, 'Translating (Anne) Askew', p. 1032.

<sup>149</sup> *Examinations*, ed. by Beilin, p. 128.

<sup>150</sup> *Ibid.*

<sup>151</sup> *Ibid.*

<sup>152</sup> *Ibid.*, p. 129.

<sup>153</sup> See *ibid.*

<sup>154</sup> *Ibid.*

<sup>155</sup> *Ibid.*

<sup>156</sup> *Ibid.*

<sup>157</sup> *Ibid.*

that 'of the strongest man that lyveth'.<sup>158</sup> Here, Bale emphasises Askew's sex by comparing her strength to a man's. Bale's shift in attitude in his description of Askew's body here can be explained by its context. By providing the reader with an emotive description of the pain that Askew must have suffered, Bale brings her body to the fore. However, Bale does not have to insist upon the integrity of Askew's body to de-criminalize it; Bale has already implicitly de-criminalized Askew's body by criminalizing the men who torture it.

Bale's confidence in his achievement of de-criminalizing Askew's body and subjectivity is suggested by two later remarks. In his commentary on Askew's observation that, subsequent to her racking, she had 'as weyre and payneful bones, as ever had pacyent Job [...]',<sup>159</sup> Bale remarks that

She putteth her selfe here in remembraunce, not of desperate Cayne, nor yet of sorowfull Judas, but of most pacyent Job, for example of godlye sufferance. For Anguysh and payne of her broken joyntes and broused armes and eyes, she curseth not the tyme that ever she was borne, as the maner of the unfaythfull is.<sup>160</sup>

Bale feels sufficiently assured of the efficacy of his de-criminalizing strategies to refer increasingly to the deterioration of Askew's body, noting the 'Anguysh and payne of her broken joyntes and broused armes and eyes'.<sup>161</sup> Furthermore, Bale feels that he can safely refer to Askew within the context of two archetypal Biblical criminals, 'Cayne' and 'Judas', without undermining Askew's non-criminal status.<sup>162</sup> Similarly, Bale's confidence in his strategies is evident in his commentary on Askew's letter to John Lassels in which she refers to the council's displeasure with the public reports of her torture.<sup>163</sup> Bale responds to

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<sup>158</sup> Ibid.

<sup>159</sup> Ibid., p. 132.

<sup>160</sup> Ibid., pp. 132-33.

<sup>161</sup> Ibid.

<sup>162</sup> Ibid., p. 132.

<sup>163</sup> Ibid., p. 134: '[...] the counsell is not a lyttle dyspleased, that it shulde be reported abroad, that I [i.e. Askew] was racked in the towre. They saye now, that they ded there, was but to feare me'. There is external corroboration for this. In his letter to his brother dated 2 July 1546, Otwell Johnson notes that: '[...] she [i.e. Askew] hath ben rakked [*sic*] sins her condemnacion (as men say) which is a straunge thing in my understanding. The Lord be mercifull to us all'. See Henry Ellis, ed., 'Letter CXLIII. *Otwell Johnson, a merchant of London, to his brother John Johnson of the Staple at Calais; on merchandize and news*', in *Original Letters, Illustrative of English History; Including Numerous Royal Letters: From Autographs In The British Museum, and one*

this in a highly ironic fashion: 'Is it not (thynke yow) a prope frayenge [i.e. frightening, editor's note] playe, whan our armes and eyes are compelled to leave their *naturall* holdes [*italics mine*]?'<sup>164</sup> In scathingly attacking Askew's torturers, Bale comes dangerously close to dismembering Askew's body himself. Moreover, and potentially much more seriously, Bale verges on suggesting that racking renders Askew's body '[un]naturall'; Bale verges on criminalizing the very body and subjectivity he has sought to de-criminalize throughout the *Elucydacyon[s]*.<sup>165</sup> That Bale feels he can make such statements about Askew's body at this stage suggests that he believes he has effectively achieved his purpose of reinserting and de-criminalizing Askew's body as well as her subjectivity. However, this also suggests that, even with the intention of de-criminalization, writing about the criminalized female body and subjectivity is a precarious project.

#### IV.4. Conclusion

Ironically, in her death Anne Askew fulfilled the desires of both the Catholic authorities who condemned her and the Protestant martyrologists who canonised her; she left no body behind her. Askew did, however, leave a body of writing. But, as I have demonstrated in this chapter, the relationship between Askew's actual body and her texts cannot be viewed in terms of simple substitution. Rather, this relationship is a complex, if not problematic, one. The absence of Askew's manuscripts makes it impossible to establish any direct correlations between the body of Anne Askew, her subjectivity and her texts. Furthermore, even within the texts that are ascribed to her, Askew appears to frustrate any attempt to access her body by writing it out of her accounts.

Paradoxically though, for all its apparent absence, Askew's body is a constant presence in the *Examinations*. As I have shown, Askew's body is a fundamental force that shapes the textual production of the *Examinations*. Such recognition, I have argued, is made possible when the *Examinations* are viewed

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or two Other Collections. With Notes and Illustrations by Henry Ellis, ed. by Henry Ellis, 2nd s., 4 vols (London, 1827), II, pp. 172-78 (pp. 177-78).

<sup>164</sup> *Examinations*, ed. by Beilin, p. 135.

<sup>165</sup> *Ibid.*

within the context of early modern criminalization. In approaching the *Examinations* as an example of prison writing rather than spiritual autobiography, the extent to which physicality informs the *Examinations* becomes visible. Such a critical perspective highlights the physical conditions in which Askew's texts were produced and the impact that her judicial confinement had on the subsequent textual productions of her work. Moreover, this perspective reveals the extent to which concerns about Askew's physicality and criminalization informed later re-constructions of her subjectivity and texts. Most importantly though, by approaching Anne Askew and her texts within the context of early modern criminalization, the *Examinations* emerge as an illuminating, but tragic, example of one early modern woman's repeated attempts to de-criminalize herself by attempting to disembody her subjectivity.

Disembodiment, however, represents just one strategy an early modern English woman could employ to de-criminalize her subjectivity.



## CHAPTER V

### CRIMINALIZATION, WRITING, AND THE BODY OF ELIZABETH TUDOR, 1554-1555<sup>1</sup>

Much suspected by me,  
Nothing proved can be.  
*Quod* Elizabeth the prisoner.

(Elizabeth Tudor, 1554/5?)<sup>2</sup>

According to various sixteenth-century sources, Elizabeth Tudor carved these lines on a glass windowpane at Woodstock, c. 1544-5, with a diamond ring. And, despite the non-extant provenance of the couplet,<sup>3</sup> its debatable authorship and date of composition,<sup>4</sup> historians, biographers, editors and literary critics have since attributed these lines to her. One striking aspect of this couplet is its situating Elizabeth in the context of criminalization. Elizabeth is a 'prisoner'<sup>5</sup> under house arrest for her suspected treasonous complicity in the failed 1554 Wyatt rebellion against Elizabeth's half-sister, Queen Mary Tudor.<sup>6</sup> While historians and literary critics acknowledge this, they do not view Elizabeth as a criminal, nor do they explore how the authorities' attempts to prove that Elizabeth was guilty of high treason inform the extant material relating to this period. Indeed, there is a general lack of scholarly recognition of the criminalized

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<sup>1</sup> Throughout this chapter, I refer to Elizabeth as Elizabeth Tudor, rather than Princess or Queen Elizabeth, since I wish to draw the distinction between her subjectivity during 1554-5 and her later role as Queen. This nomenclature also emphasises how her contemporaries would have referred to her during the period that I focus on as she would have been addressed as the 'Lady Elizabeth'.

<sup>2</sup> Elizabeth Tudor, 'Much suspected by me', in *Collected Works*, ed. by Marcus, Mueller and Rose, p. 46.

<sup>3</sup> The original Woodstock poem (as well as another poem ascribed to Elizabeth, 'O Fortune, thy wresting, wavering state', in *Collected Works*, ed. by Marcus, Mueller and Rose, pp. 45-46) does not exist since Woodstock Palace was demolished in the early eighteenth century. The main body of Woodstock palace was 'demolished in 1710 to make way for Blenheim Palace, [...] [which was] presented by Queen Anne to the Duke of Marlborough [...]'. And, in 1714, the gate house in which Elizabeth was kept was demolished by Sarah, Duchess of Marlborough. See respectively: Alison Weir, *Children of England: The Heirs of King Henry VIII 1547-1558* (London: Pimlico, 1997), p. 264, and Manning's editorial note 'n.', in 'State Papers', ed. by Manning, p. 154.

<sup>4</sup> Both foreign and English early modern sources ascribe these verses to Elizabeth. For a list of early modern citations of the Woodstock couplet and 'O Fortune', as well as a brief discussion of the debate surrounding their dates of composition, see note '1' in *Collected Works*, ed. by Marcus, Mueller and Rose, p. 46, and note '1', in *ibid.*, pp. 45-46, respectively.

<sup>5</sup> Tudor, 'Much suspected by me'.

<sup>6</sup> Sir Thomas Wyatt, the younger, son of the famous poet, Sir Thomas Wyatt, the elder, led a rebellion in early 1554 in opposition to the proposed marriage between Queen Mary and King Philip of Spain.

constructions of Elizabeth Tudor's body and subjectivity, both before and after her accession in 1558.

This chapter redresses the critical balance by viewing the extant material pertaining to events leading up to and including Elizabeth's imprisonment at Woodstock in the context of early modern criminalization. By attending to some of the various attempts to criminalize and de-criminalize Elizabeth Tudor's body and subjectivity in this material, several other types of physicality are also brought to the fore. Accordingly, I will first examine how Elizabeth, unlike Askew, tries to de-criminalize her subjectivity by emphasising her body *as* her situation in her writings from this period. I will also look at some of the ways in which the authorities' treatment of Elizabeth as a suspected criminal determines the material medium of her writing. I will then examine the 'Bedingfield Papers', the official correspondence pertaining to Elizabeth's imprisonment at Woodstock written mostly by Sir Henry Bedingfield, Elizabeth's jailer.<sup>7</sup> These letters reveal relationships among Elizabeth's body *as* her situation, the various physical situations *in* which she is placed, the physical act of writing and the ambiguous textual status of letters. Additionally, the Papers can be seen to provide instances of Elizabeth's co-authorship and examples of her constructing herself as non-criminal, as well as other instances in which her subjectivity is constructed by Bedingfield and Mary. It must be noted that, in view of the limited amount of the extant material as well as its chronological gaps, I will not reconstruct a linear account of Elizabeth's criminalized identity. Instead, I will examine a set of discrete instances in which attempts are made by Elizabeth to de-criminalize her subjectivity as well as instances in which others attempt to criminalize her.

### ***V.1. 'Much suspected by me': The Criminalized Body of Elizabeth Tudor and 'Elizabeth the [P]risoner' Writing*<sup>8</sup>**

Neither historical nor critical assessments of Elizabeth's body, subjectivity, writings, and the events of 1554-5 approach these areas from the perspective of criminalization. Elizabeth, in this period, has been variously seen as a victim, martyr, brilliant strategist, and, an exceptionally courageous young woman, but

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<sup>7</sup> 'State Papers', ed. by Manning.

<sup>8</sup> Tudor, 'Much suspected by me'.

never as a criminal. However, Elizabeth Tudor, like Anne Askew, produced her writings out of the immediate context of the authorities' attempts to criminalize her body and subjectivity; whether just before Elizabeth's conveyance to the Tower as a suspected felon, in the Tower itself, or under house arrest at Woodstock. And such circumstances impact demonstrably on her writing. Consequently, I would like to suggest another shift in critical perspective. We need to recognise Elizabeth's status as a potential criminal and engage with Elizabeth's writings and her constructions of her subjectivity in this period in the context of early modern criminalization.

This section focuses on three things: the way in which Elizabeth highlights her body to de-criminalize her subjectivity, Elizabeth's apparent use of her writing as a substitute for her body, and, the impact of the authorities' attempts to prove that Elizabeth was a traitor on her textual productions. First though, I will examine the criminalization of Elizabeth's body and subjectivity prior to the Wyatt rebellion in 1554. There are three reasons for this. It redresses the critical balance of our engagement with Elizabeth. Also, the earlier criminalization of Elizabeth's body and subjectivity constitutes a significant, but hitherto unexamined, component of the wider context of the discussions in this chapter. There is evidence that the notion of Elizabeth's criminalized body possessed a widespread currency that extended beyond the Privy Council and the Court. Finally, Elizabeth's earlier criminalization formed part of her 'lived experience' and, consequently, informs her construction of her subjectivity in her writings of 1554-5.

#### *V.1.i. The Criminalized Body of Elizabeth Tudor, 1533-53*

Elizabeth Tudor's body has been the focal point of considerable attention since the sixteenth century. Focusing on Elizabeth's body and its involvement in questions of sexuality, gender norms and power, recent revisionist scholarship has contributed considerably to our understanding of Elizabeth's subjectivity, early modern representations of her, and of the wider impact Elizabeth had on other women. Scholars have addressed questions such as the fluidity of the 'cult

of Elizabeth' and image of the Virgin Queen,<sup>9</sup> the public and private importance of the visual representations of Elizabeth,<sup>10</sup> Elizabeth's negotiation of the tensions between her sexuality, gender and position as monarch,<sup>11</sup> Elizabeth's appropriation of the notion of the King's two bodies,<sup>12</sup> and the impact of Elizabeth as a female monarch on early modern English women.<sup>13</sup> Two trends emerge from this scholarship. First, the body that is almost exclusively focused on is the body of Elizabeth the Queen, Elizabeth's body after her accession in 1558. And, secondly, the positive accounts of Elizabeth's subjectivity, representations and actions clearly outnumber the negative ones.<sup>14</sup> As Julia M.

<sup>9</sup> See, for example, Susan Frye, *Elizabeth I: The Competition for Representation* (New York: Oxford University Press, 1993) and Helen Hackett, *Virgin Mother, Maiden Queen: Elizabeth I and the Cult of the Virgin Mary* (Hampshire and London: The Macmillan Press Ltd., 1995).

<sup>10</sup> See, for example, J. N. King, 'Queen Elizabeth I: Representations of the Virgin Queen', *Renaissance Quarterly*, 43 (1990), 30-74; Andrew Belsey and Catherine Belsey, 'Icons of Divinity: Portraits of Elizabeth I', in *Renaissance Bodies*, ed. by Gent and Llewellyn, pp. 11-35; Stephen Orgel, 'Gendering the Crown', in *Subject and Object in Renaissance Culture*, ed. by Margreta de Grazia, Maureen Quilligan and Peter Stallybrass, Cambridge Studies in Renaissance Literature and Culture, ed. by Stephen Orgel, vol. 8 (Cambridge: Cambridge University Press), pp. 133-65; S. P. Cerasano and Marion Wynne-Davies, 'From Myself, My Other Self I Turned: An Introduction', in *Gloriana's Face: Women, Public and Private, in the English Renaissance*, ed. by S. P. Cerasano and Marion Wynne-Davies (Hertfordshire: Harvester Wheatsheaf, 1992), pp. 1-24. Investigations into the 'cult of Elizabeth', the image of the Virgin Queen, as well as the public and private importance of visual representations of Elizabeth are indebted to the works of Francis A. Yates, *Astraea: The Imperial Theme in the Sixteenth Century* (London and Boston, Massachusetts: Routledge and Kegan Paul Ltd., 1975) and Roy Strong, *The Cult of Elizabeth: Elizabethan Portraiture And Pageantry* ([London]: Thames and Hudson, 1977), who in turn were influenced by E. C. Wilson's earlier study of the idealization of Elizabeth I in sixteenth- and seventeenth-century poetry: *England's Eliza*, Harvard Studies in English, vol. XX (Cambridge, Massachusetts: Harvard University Press; London: Humphrey Milford; Oxford: Oxford University Press, 1939).

<sup>11</sup> See, for example, Carole Levin, *The Heart and Stomach of a King: Elizabeth I and the Politics of Sex and Power*, New Cultural Studies, ed. by Joan De Jean, Carroll Smith-Rosenberg and Peter Stallybrass (Philadelphia: University of Pennsylvania Press, 1994); Susan Doran, *Monarchy and Matrimony: The Courtships of Elizabeth I* (London and New York: Routledge, 1996); Stephen Cohen, '(Post)modern Elizabeth: Gender, Politics, and the Emergence of Modern Subjectivity', in *Shakespeare and Modernity: Early Modern to Millennium*, ed. by Hugh Grady, Accents on Shakespeare, ed. by Terence Hawkes (London and New York: Routledge, 2000), pp. 20-39.

<sup>12</sup> Marie Axton, *The Queen's Two Bodies: Drama and Elizabethan Succession*, Royal Historical Society Studies in History (London: Royal Historical Society, 1977).

<sup>13</sup> See, for example, Lisa Jardine, *Still Harping on Daughters: Women and Drama in the Age of Shakespeare*, 2nd edn (Hertfordshire: Harvester Wheatsheaf, 1983; repr. 1989); Belsey, *Subject of Tragedy*; Henderson and MacManus, *Half Humankind*; Barbara Kiefer Lewalski, 'Introduction: Women, Writing, and Resistance in Jacobean England', in *Writing Women in Jacobean England* (Cambridge, Massachusetts; London, England: Harvard University Press, 1993), pp. 2-4; Cerasano and Davies, eds, *Gloriana's Face*; Lisa Gim, "'Faire Eliza's Chaine": Two Female Writers' Literary Links to Queen Elizabeth I', in *Maids and Mistresses*, ed. by Frye and Robertson, pp. 183-98; Susan Bassnett, *Elizabeth I: A Feminist Perspective*, Berg Women's Series (Oxford; New York; Hamburg: Berg Publishers Limited, 1988).

<sup>14</sup> There are several contributing factors to this critical phenomenon. First, there is a paucity of material pertaining to Elizabeth's earlier, pre-1558, life, whether written or visual. Secondly, as this critical phenomenon attests, Elizabeth I succeeded in cultivating a positive image of herself during her lifetime that has endured until today. And thirdly, the need to see to Elizabeth in a

Walker notes in her unique collection of essays, *Dissing Elizabeth*, most people, and particularly scholars, “[...] really wouldn’t want to say anything BAD [sic] about Elizabeth”<sup>15</sup>.

In this section then, I want to focus on Elizabeth’s body before 1558 and look specifically at how it could be constructed as criminalized. Recognizing this, however, does not have to detract from our assessments of her.<sup>16</sup> More importantly, the various ways in which Elizabeth’s body and subjectivity were identified as criminal before 1558 inform the constructions of Elizabeth’s subjectivity, both by herself and others, during 1554-5.

Before 1554, and Elizabeth’s alleged treasonous involvement with the Wyatt rebellion, her body *as* her situation and her subjectivity had been identified as illegal, sinful and even unnatural in several contexts: the circumstances surrounding her birth, various Acts of Parliament, the criminalization of her mother, and the Thomas Seymour affair. Arguably, from the day of Elizabeth’s birth, it was possible to claim that she was illegitimate. As far as good Catholics were concerned, Henry VIII’s divorce from Katherine of Aragon, his first wife, was not binding, thus rendering Henry’s second marriage to Anne Boleyn either bigamous or adulterous. Consequently, Elizabeth’s body *as* her situation marked her not only as a sinful child born out of wedlock, but also a child who had no legal right to inherit the English throne. Elizabeth’s illegitimacy and her lack of legal claim to the throne were judicially reinforced by Henry VIII’s 1536 Act of Succession which declared Elizabeth as well as

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predominantly positive light is characteristic of the critical ‘Good Women’ approach that I have already noted in Chapter I.

<sup>15</sup> Julia M. Walker, ‘Introduction: The Dark Side of the Cult of Elizabeth’, in *Dissing Elizabeth: Negative Representations of Gloriana*, ed. by Julia M. Walker (Durham and London: Duke University Press, 1998), pp. 1-6 (p. 1). I refer to this collection of essays as unique since it is the only critical study I have found that is devoted entirely to engaging with anti-Elizabeth material. Nevertheless, even though this collection contributes significantly to rectifying the balance, it still stops short of seeing Elizabeth as criminal.

<sup>16</sup> The criminalization of Elizabeth’s body did not end with her accession in 1558. Elizabeth’s relationship with Robert Dudley, the Earl of Leicester, for example, generated a considerable number of criminalized constructions of Elizabeth’s body and subjectivity. Indeed, several people were executed in Norwich for repeating them (see, Carolly Erickson, *The First Elizabeth* (London: Robson Books, 2001), p. 266). Similarly, Elizabeth was criminalized by various Catholics, such as the exiled Jesuit English priest Father Robert Parsons, as well as by the Papal Bull of Excommunication in 1570. Indeed, even loyal subjects, such John Stubbs who articulated his concerns regarding the harm that Elizabeth’s prospective marriage to the French prince, the Duke D’Anjou, would do to Elizabeth and England in his treatise, *The Discoverie Of A Gaping Gulf* (London, 1579) inadvertently, although effectively, criminalized Elizabeth. Another instance in which Elizabeth was criminalized both at home and abroad was in relation to the execution of Mary, Queen of Scots in 1587.

Mary illegitimate and made it high treason to assert their legitimacy.<sup>17</sup> Moreover, the legal barring of Elizabeth from the throne was compounded by two later Acts of Parliament passed by her brother, Edward VI, and sister, Mary Tudor, that both annulled Henry's marriage to Anne Boleyn. In this way, Elizabeth's body *as* her situation, as well as some of the situations *in* which it had been legislatively placed, identified her, for some people at least, as an illegal heir to the throne.

The criminalization of Elizabeth's body *as* her situation was not restricted, however, to the legal and religious technicalities of her legitimacy and entitlement to the throne; it was also based on her mother's criminality. In 1536, Anne Boleyn was convicted of multiple counts of adultery and one count of incest, and subsequently executed for high treason. The judicial criminalization of Boleyn for specifically sexual crimes impacted on the potential criminalization of Elizabeth's body in several ways.<sup>18</sup> First, her mother's crimes brought into question Elizabeth's parentage and thus her physical entitlement to the throne. If Elizabeth was not Henry VIII's daughter but the daughter of one of Anne Boleyn's lovers, then Elizabeth was not even a royal bastard but the bastard of two commoners foisted on the Tudor line.<sup>19</sup> Legal technicalities aside then, according to this view, Elizabeth was barred from the succession on the basis of the fundamental requirement of blood. Secondly, Anne Boleyn's criminality would have been seen to inform Elizabeth's body *as* her situation. As we have already seen, it was widely believed that mothers, rather than fathers, passed on their criminalized traits to their children. And, female bodies were perceived as particularly susceptible to inheriting, as well as developing, criminalized traits. Elizabeth's body, then, was doubly likely to be sinful, particularly in terms of sexual immorality, and she was doubly likely to engage in unnatural and illegal acts, such as incest. Furthermore, it was widely believed by contemporaries that Anne Boleyn was a witch; popular mythology repeatedly cited the physical

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<sup>17</sup> See 28 HEN.VIII.C.7, S3. Furthermore, even though in the 1543 Act of Succession Henry VIII reinstated both of his daughters to the line of succession, he did not legitimise either Mary or Elizabeth, nor did he legitimise either of his marriages to their respective mothers, Katherine of Aragon and Anne Boleyn, see 35 HEN.VIII.C.1, S3.

<sup>18</sup> Another, albeit less immediate, contribution to the potential criminalization of Elizabeth's body as sexually immoral could have been located in Elizabeth's relationship to Henry VIII's fifth wife, Catherine Howard, who was Anne Boleyn's cousin on the maternal side and was also executed on the grounds of treasonous adultery.

<sup>19</sup> Mary Tudor, for example, later claimed that Elizabeth was the spitting image of Mark Smeaton; a court musician and one of the men executed for adultery with Anne Boleyn.

abnormalities of a growth on Boleyn's neck and sixth finger on her left hand as evidence of her witchcraft. And while Boleyn was never formally charged with witchcraft and there is no historical evidence to substantiate these claims,<sup>20</sup> such claims constituted part of the general preconceptions about Elizabeth's mother, and, therefore, impacted on the popular perception of Elizabeth's body as sinful, unnatural and as prone to committing illegal acts.<sup>21</sup>

Elizabeth's body *as* her situation, then, could easily be criminalized in various ways. When Elizabeth was placed *in* potentially criminalizing situations, her body and subjectivity were doubly suspect. The impact of these views can be clearly seen in the Thomas Seymour affair; arguably Elizabeth's first serious experience of not only social, but also of potential judicial, criminalization. In 1549, Thomas Seymour, the Lord High Admiral, brother to Edward Seymour, the Lord Protector, and uncle to the king, Edward VI, was arrested on several charges of high treason for which he was ultimately executed. Part of the complex case brought against Seymour was that he had planned to replace the Lord Protector, dissolve the Privy Council, marry Elizabeth and rule the country for the remainder of Edward VI's minority.

Elizabeth's implication in Seymour's traitorous plans was serious since she could be found guilty of treason. Furthermore, her alleged involvement with Seymour could be construed as sinful, if not unnatural, sexual behaviour. As a royal princess and heir presumptive to the throne, for Elizabeth to marry without the Privy Council's consent constituted treason, since it contravened Henry VIII's stipulations in the 1543/4 Act of Succession and his will.<sup>22</sup> In addition to treason, though, Elizabeth's alleged involvement with Seymour also carried the suggestion of sinful, if not unnatural, sexual activities. In 1548, a number of salacious stories regarding her relationship with Seymour had been in circulation. At the time, Seymour was married to Katherine Parr, Elizabeth's step-mother. This would have meant that Elizabeth's relationship with Seymour was not only

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<sup>20</sup> Jane Dunn, *Elizabeth and Mary: Cousins, Rivals, Queens* (London: Harper Perennial, 2003), pp. 59-60.

<sup>21</sup> Famously, in one of his ambassadorial dispatches to his master, Philip II of Spain, Simeon Renard darkly notes that "The Princess Elizabeth is greatly to be feared; she has a spirit full of incantation". Simeon Renard as cited in Lacey Baldwin Smith, *Elizabeth Tudor: Portrait of a Queen*, The Library of World Biography, ed. by J. H. Plumb (London: Hutchinson and Co. (Publishers) Ltd., 1976), p. 47.

<sup>22</sup> See 35 HEN.VIII.C.1, S3.

sinfully adulterous but also unnaturally incestuous, since Seymour was effectively, although not legally, Elizabeth's new step-father. Elizabeth's connection with Seymour in 1549, specifically in the context of marriage, revived these stories and, with them, the possibility that Elizabeth had engaged in sinful sexual activities. Consequently, Elizabeth was placed under house arrest at Hatfield. Several of her most personal servants, such as Mrs Kat Ashley, Elizabeth's governess, were taken to the Tower for questioning, while Elizabeth was subjected to almost three months of interrogation by Sir Robert Tyrwhit and his wife on the Council's behalf in order to establish the extent of Elizabeth's illegal, and possibly sinful, involvement with Seymour.

Elizabeth was aware of the serious impact the combination of the accusations of treason and sinful sexual activities could have on her public reputation; the extent to which she could be criminalized by the English public. Elizabeth's awareness of this is evidenced in her letters to Edward Seymour written from Hatfield in which she repeatedly states, for example, that she has heard of the 'evil reports' and 'shameful slanders' circulating about her;<sup>23</sup> the 'rumours abroad which be greatly both against [her] honor [*sic*] and honesty'.<sup>24</sup> Furthermore, Elizabeth is aware of the significance of her body *as* her situation and its centrality to potential constructions of her as criminal *in* her current situation. Elizabeth repeatedly asks that the Council issue 'a proclamation' throughout England, declaring her innocence and that the Council 'have great regard that no such rumours should be spread of any of the king's majesty's sisters'.<sup>25</sup> Elizabeth is asking the Council not only to recognise, but also to publicly emphasise, her familial relationship to Edward VI. In emphasising that she is the king's sister, Elizabeth is emphasising that her body *as* her situation determines her royal status and that she should, therefore, be treated and viewed accordingly. Similarly, in another letter, noting the apparent currency of the perception that she is 'in the Tower and with child by [the] lord Admiral', Elizabeth begs that she 'may come to the court [...], that [she] may show

<sup>23</sup> Respectively: Elizabeth Tudor, 'Princess Elizabeth to Edward Seymour, Lord Protector, February 21, 1549', and 'Princess Elizabeth to Edward Seymour, Lord Protector, January 28, 1549', in *Collected Works*, ed. by Marcus, Mueller and Rose, pp. 31-33 (p. 32), and pp. 22-24 (p. 24). In the final two paragraphs of her letter of February 21, Elizabeth uses the word 'evil' six times in reference to the slanders, those circulating them and people's opinion of her, including those of Edward Seymour and the Council.

<sup>24</sup> Tudor, 'January 28, 1549', p. 24.

<sup>25</sup> Tudor, 'February 21, 1549', pp. 32-33.



[her]self there as [she is]'.<sup>26</sup> Elizabeth wishes to make a public demonstration of the non-criminal state of her body; that she is neither incarcerated in the Tower as a felon nor sinfully pregnant.<sup>27</sup>

Prior to the Wyatt rebellion, it was possible to criminalize Elizabeth Tudor's body and to identify it as illegal, sinful and unnatural. One particularly influential factor in criminalizing her body *as* her situation was her familial relationships. Furthermore, prior to the rebellion, Elizabeth's body *as* her situation had been placed *in* a serious potentially criminalizing situation. Moreover, constructions of Elizabeth's body and subjectivity as criminal were not restricted to a select group, such as the Privy Council; they also possessed currency in the public sphere. Finally, Elizabeth herself was aware of these factors and of their significance. The following section illustrates the impact of all these factors on Elizabeth's writings pertaining to the second time she was placed in a serious, potentially criminalized, situation; her alleged treasonous involvement in the Wyatt rebellion.

#### *V.1.ii. 'Elizabeth the [P]risoner' Writing*<sup>28</sup>

On Friday 15 March 1554, the Privy Council formally charged Elizabeth with treasonous involvement in the Wyatt rebellion aimed at deposing Queen Mary. On Palm Sunday 17 March 1554, Elizabeth was conveyed to the Tower from her rooms in Whitehall where she remained for almost two months during which time the Council interrogated her and attempted to discover evidence against her. Finally, the Council decided that they did not possess enough written evidence to indict Elizabeth.<sup>29</sup> And, as Elizabeth's presence in the Tower served as a focal

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<sup>26</sup> Tudor, 'January 28, 1549', p. 24.

<sup>27</sup> It is very likely that the allegations of sexual misconduct lodged against Elizabeth during this instance of potential criminalization resulted in the entire episode's relative obscurity in sixteenth- and seventeenth-century accounts of her life. If the Seymour episode is referred to at all in such texts, the writers generally do so obliquely. However, the same is certainly not true of the second time in which Elizabeth was criminalized by the state, *viz.* the Wyatt rebellion.

<sup>28</sup> Tudor, 'Much suspected by me'.

<sup>29</sup> When confronted with this, Queen Mary stated that "the law as laid down by the English Parliament did not inflict the capital penalty on those who had consented to treason if they had committed no overt act" (Mary as cited in Frye, *Elizabeth I*, p. 73). In other words, Elizabeth's mere verbal consent to treason, if indeed she had made any such statement, did not constitute

point for other rebels, the Council also decided Elizabeth should be released. However, since Mary and the Council were still suspicious of Elizabeth, it was decided that she should be placed under house arrest in the country and kept under close observation. Consequently, on May 19, 1554, Elizabeth was removed from the Tower and taken to the royal manor of Woodstock in the custody of Sir Henry Bedingsfield where she remained for almost a year.

Elizabeth's writings from this period are not only extremely limited, but some of them are also problematic. Frustratingly, for example, at least one letter that we know Elizabeth sent to Mary has not survived and no record of its contents has ever been found. At the same time, three poems attributed to Elizabeth, c. 1554-5, are no longer extant. Nevertheless, the extant material offers insights into some of the ways Elizabeth tried to counter the authorities' attempts to criminalize her. Moreover, the extant material reveals connections between three types of physicality: Elizabeth's body, the physicality of the act of writing, and the modes of material production of Elizabeth's texts.

On Saturday 16 March, 1554, a group of counsellors arrived at Elizabeth's rooms in Whitehall to escort her to the Tower. Contrary to Mary's express instructions, however, Elizabeth managed to persuade the Earl of Sussex to allow her to write a letter to Mary.<sup>30</sup> This letter is one of the two texts by Elizabeth from this period whose authorship is not contested.<sup>31</sup> For this reason, this letter has received a great deal of historical and critical attention.<sup>32</sup> Scholars have not, however, examined the types of physical relationships Elizabeth establishes and draws on in this letter in her attempt to de-criminalize her body and subjectivity.

The first physical relationship that Elizabeth refers to in her letter is one of lack; Elizabeth's apparent denial of the opportunity to defend herself and her

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enough to subject Elizabeth to capital punishment in the absence of corroborating hard evidence, or 'overt act[s]' (ibid.).

<sup>30</sup> The Earl of Sussex was Elizabeth's great-uncle on her mother's side. Various historians and biographers have suggested that it was this familial connection that resulted in him permitting Elizabeth to write her letter. According to the writer of the anonymous *Chronicle of Queen Jane*, Sussex was also the counsellor who reminded the guards and Lieutenant of the Tower that Elizabeth 'was a kinges daughter' and the 'queenes syster' and should be accorded due respect and courtesy. See, Anon, *Chronicle of Queen Jane*, p. 71.

<sup>31</sup> Elizabeth Tudor, 'Princess Elizabeth to Queen Mary, March 16, 1554', in *Collected Works*, ed. by Marcus, Mueller and Rose, pp. 41-42. The other text by Elizabeth whose authorship is undisputed is the inscription inside her English copy of St Paul's Epistles.

<sup>32</sup> See, for example, David Starkey, *Elizabeth: Apprenticeship* (London: Vintage, 2001); Weir, *Children of England*; Erickson, *First Elizabeth*.

actions to Mary in person. In her opening sentence, Elizabeth reminds Mary of her 'last promise and [Elizabeth's] last demand: that [Elizabeth] be not condemned without answer and due proof'.<sup>33</sup> In addition to suggesting the illegality of the current proceedings and Mary's apparent reneging on her royal word, Elizabeth is suggesting that Mary promised her that she would not 'condemn[...]' Elizabeth by proxy; that Elizabeth would be given the chance to 'answer' any charges brought against her to Mary herself.<sup>34</sup> This suggestion is supported by Elizabeth's later request that Mary allow her to 'answer *afore* [italics mine]' Mary.<sup>35</sup> Elizabeth clearly mistrusts any 'report' Mary's counsellors might make.<sup>36</sup> Mary will not know the 'truth' of Elizabeth's innocence 'unless' Mary 'hear[s]' it, Elizabeth implies, from Elizabeth's own lips.<sup>37</sup>

At this time, however, Elizabeth was not in a position to demonstrate her innocence to Mary personally. Consequently, Elizabeth's letter becomes more than a representation of her body and subjectivity, it becomes the physical substitute for Elizabeth's body and subjectivity, effectively becoming the body and subjectivity Elizabeth presents to Mary. As Elizabeth herself states, her letter has to stand in for her body since Elizabeth is 'not suffered to bow the knees of [*her*] *body* [...] [italics mine]' before Mary in obeisance in person.<sup>38</sup> In other words, *in* this situation, Elizabeth's letter has to become her body *as* her situation, since she is denied the situation *in* which to present herself and prove her innocence. It is, therefore, Elizabeth's letter that must provide Mary with visible corporeal evidence of Elizabeth's innocence.

In order to provide Mary with the necessary corporeal evidence that will vindicate her, Elizabeth draws on their personal, physical relationship. They are, reminds Elizabeth, 'sister[s]' and Elizabeth 'pray[s] God as evil persuasions persuade not one sister against the other, [...]'.<sup>39</sup> In reminding Mary of their sibling relationship, Elizabeth calls Mary's attention to the irrevocable physical bond of blood between them; to the intimate physical connection between both

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<sup>33</sup> Tudor, 'March 16, 1554', p. 41.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid., p. 42.

<sup>39</sup> Ibid.

their bodies. Elizabeth apparently emphasises this relationship by appealing to Mary's 'natural kindness'.<sup>40</sup> Here, Elizabeth could be referring to Mary's generosity that she 'natural[ly]' possesses as a woman and which Elizabeth has experienced first-hand in the past.<sup>41</sup> However, Elizabeth might also be appealing to the 'natural' bond of familial 'kindness', or 'kinship', that links them.<sup>42</sup> Elizabeth is emphasising the specifically paternal connection between herself and Mary. This connection is not normally associated with criminalized traits. Furthermore, this connection stresses Elizabeth's possession of royal blood; her body *as* her situation determines her royal status. By highlighting their sibling relationship, Elizabeth is implicitly attempting to de-criminalize her body *as* her situation, and therefore her subjectivity, by highlighting its direct, physical relationship to Mary's non-criminal body; to Mary's legal, virtuous and natural body personal and body politic. It is also possible that, by doing so, Elizabeth is attempting to counter the view that Mary might hold of Elizabeth's body *as* her situation as inherently criminal.

Despite the intimate familial physical relationship that Elizabeth and Mary share, their relationship is also determined by the situations their bodies are *in*. Mary is the Queen and Elizabeth is her subject. In addition to making explicit references to her status as Mary's 'true' and 'most faithful subject',<sup>43</sup> Elizabeth also implicitly suggests the complexity that the duality of sibling/monarch and sibling/subject generates in the current context by drawing a parallel between her situation and that of Thomas Seymour:

[...] [I]n late days I heard my lord of Somerset [Edward Seymour, the Lord Protector] say that if his brother had been suffered to speak with him, he [i.e. Thomas Seymour] had never suffered. But the persuasions were made to him so great that he was brought in the belief that he could not live safely if the admiral lived, and that made him give his consent to his death.<sup>44</sup>

<sup>40</sup> Ibid., p. 41.

<sup>41</sup> Ibid. Mary was generous to Elizabeth both before and after Mary became Queen. See Weir, *Children of England*, and Erickson, *First Elizabeth*.

<sup>42</sup> Respectively: Tudor, 'March 16, 1554', p. 41, and *OED*, 1.

<sup>43</sup> Tudor, 'March 16, 1554', pp. 41 and 42, respectively.

<sup>44</sup> Ibid., pp. 41-42.

Elizabeth's comparison is risky. On the one hand, Elizabeth is apparently referring once again to Mary's promise to allow Elizabeth to 'answer' any charges brought against her to Mary in person, as well as Mary's apparent reneging on her promise.<sup>45</sup> Elizabeth might also be referring to the importance placed on the body in determining guilt or innocence. It is also possible that Elizabeth felt safe in referring to the Seymour affair because she was ultimately found not guilty. Indeed, perhaps Elizabeth is implying that, just as she was innocent before, her innocence will again be established in this instance of criminalization. On the other hand, by referring to Thomas Seymour, who was beheaded on multiple charges of treason, Elizabeth is aligning her body and subjectivity with those of a convicted traitor. And, in referring to Edward Seymour's persuasion that his brother was a threat to his life, Elizabeth is reminding Mary that she too could threaten Mary's life, whether directly or indirectly. More problematically still, Elizabeth is referring to the previous potentially criminalizing situation *in* which she was placed; her suspected illegal plans to marry without the Council's consent as well as her suspected sinful and unnatural relationship with Seymour. In drawing Mary's attention to the previous situation *in* which Elizabeth was suspected of criminal behaviour, Elizabeth is not necessarily assisting her attempts to de-criminalize her body and construct herself as innocent.

In this letter, Elizabeth's emphasis on her body *as* her situation is a direct response to the potentially criminalizing situation *in* which she finds herself. She highlights several relationships between her body, Mary's body and her handwritten letter as a physical object to counter the charge of treason brought against her. Two of Elizabeth's poems from this period: the 'Much suspected by me' couplet and 'O Fortune', also reveal ways in which the criminalized situation *in* which Elizabeth is placed shapes the material mode of her writing, as well as suggesting how her material experiences of being judicially confined inform her construction of her subjectivity.<sup>46</sup>

Despite its problematic status, the Woodstock couplet has been generally accepted as Elizabeth's. And, there are two generally accepted readings of this ambiguous couplet depending on its date of composition. Scholars read it as

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<sup>45</sup> Ibid., p. 41.

<sup>46</sup> Respectively, Tudor, 'Much suspected by me', and 'O Fortune'.

Elizabeth's anxious assertion of either her innocence or suspicion. If the couplet was written *circa* late 1554, it suggests that despite being 'suspected' of '[m]uch' by the authorities, their suspicions are groundless. Elizabeth is innocent and '[n]othing proved can be'.<sup>47</sup> Alternatively, if the couplet was written in 1555, then the couplet suggests that although Elizabeth 'suspect[s]' her sister's motivation in recalling her to court, Elizabeth cannot prove anything.<sup>48</sup> There is, however, a third possible reading of this couplet as an ambiguous, non-incriminating confession. The lines suggest that although '[m]uch' is 'suspected' of Elizabeth and although '[n]othing' can be 'proved' against her, it does not mean that she is not guilty of anything.<sup>49</sup>

Innocent or guilty, however, the couplet is one response of 'Elizabeth the prisoner' to being judicially confined at Woodstock under suspicion of treason.<sup>50</sup> This couplet also seems to provide one instance of how such confinement impacted on the material mode of Elizabeth's textual production during this period. Elizabeth is believed to have written this couplet 'with her diamond in a glass window'.<sup>51</sup> And, as Leah S. Marcus, Janel Mueller, Mary Beth Rose, and Juliet Fleming point out, it was not unusual for early moderns to inscribe short texts like couplets and proverbs on hard surfaces, such as windows, door frames and walls.<sup>52</sup> However, we also know from the Bedingfield Papers that Elizabeth was denied access to pen, paper and ink by Mary after she received a now lost

<sup>47</sup> Tudor, 'Much suspected by me'.

<sup>48</sup> Ibid. As Marcus, Mueller and Rose note in note 1, in *Collected Works*, p. 46, both John Foxe and Raphael Holinshed state this couplet was written in 1558; the year of Mary's death and Elizabeth's accession. This date is rather strange in view of the content of the couplet since, while Elizabeth was watched by the government, after 1555, Elizabeth was not a prisoner at Woodstock or anywhere else for the remainder of Mary's reign. Furthermore, if this couplet does date from 1558, then Elizabeth's suspicions might concern the succession; the possible influences Mary might be subjected to regarding Elizabeth's place in the succession and the decision Mary would finally take.

<sup>49</sup> Tudor, 'Much suspected by me'. This reading is supported by a later version of the couplet cited in Mumby, *Girlhood of Queen Elizabeth*, p. 152: 'Much suspected, "of me / Nothing proved can be" / Quoth Elizabeth, prisoner'. For a similar version of this couplet see Agnes Strickland, *Lives of the Queens of England*, 12 vols (London: Henry Colburn, 1840-1848), VI (1843), p. 111. However, this reading has not found much critical support since it runs counter to the desire to see Elizabeth as innocent. Additionally, expressing another widely held view, Alison Plowden argues that '[i]t seems uncharacteristic of Elizabeth that she would have gone so far as even to admit anything *could* have been proved'. See Alison Plowden, *The Young Elizabeth: The First Twenty-Five Years of Elizabeth I* (London: Macmillan and Co Ltd., 1971; repr. Stroud, Gloucestershire: Sutton Publishing Ltd., 1999), p. 179.

<sup>50</sup> Tudor, 'Much suspected by me'.

<sup>51</sup> See *Collected Works*, ed. by Marcus, Mueller and Rose, p. 46.

<sup>52</sup> Respectively: note 1, in *ibid.*, p. 45, and Juliet Fleming, *Graffiti and the Writing Arts of Early Modern England* (London: Reaktion Books, 2001).

letter from Elizabeth.<sup>53</sup> It is possible, therefore, that Elizabeth wrote this poem after 25 June 1554 and, if so, that her choice of material medium was determined by the physical restrictions imposed on her by a suspicious government. Like Askew's texts, Elizabeth's couplet illustrates how being seen as a potential criminal can determine the modes of textual production of a woman.

This argument can also be made for another of Elizabeth's poems that she wrote in this period, 'O Fortune, thy wresting, wavering, state'.<sup>54</sup> Like the Woodstock couplet, Elizabeth did not write this poem on paper; she is believed to have inscribed it 'on a Window Frame at Woodstock'.<sup>55</sup> Similarly, 'O Fortune' situates Elizabeth's subjectivity in the context of criminalization; once again, Elizabeth identifies herself as 'a prisoner'.<sup>56</sup> Unlike the couplet, however, 'O Fortune' is much less ambiguous, while its illustration of the physical impact that judicial confinement had on Elizabeth is more explicit. These two characteristics can be partly explained by the date of composition of the poem: 1555. By 1555, Elizabeth's jeopardy was considerably diminished; no more incriminating evidence had been found. Furthermore, since Mary had declared herself pregnant, it was possible that Elizabeth was soon to lose her status as the heir presumptive.<sup>57</sup> Consequently, Elizabeth's attitudes shift from the defensive to the offensive and the subjectivity which she constructs is less guarded.

Fortune, Elizabeth complains, has subjected her to its vicissitudes, causing her 'troubled wit' to be 'fraught' with 'cares'.<sup>58</sup> Fortune has placed Elizabeth *in* a situation in which the authorities are attempting to prove that she is a traitor, causing her to suffer; Elizabeth's joy, which used to nest in her 'wit', 'has flown quite' owing to her unfair treatment at the hands of Fortune.<sup>59</sup> Elizabeth's sufferings have been such that Woodstock, her 'present prison' '[c]ould bear' 'witness' to them.<sup>60</sup> Even the physical location in which Elizabeth is judicially confined can testify to her subjective, as well as, perhaps, her physical, discomfort. The source of Elizabeth's frustrated discontent lies in

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<sup>53</sup> I will discuss this in more detail below in Section II.

<sup>54</sup> Tudor, 'O Fortune'.

<sup>55</sup> See *Collected Works*, ed. by Marcus, Mueller and Rose, p. 45.

<sup>56</sup> *Ibid.*, p. 46.

<sup>57</sup> If Mary produced a boy, he would become the heir apparent, while even if Mary produced a girl, she would take Elizabeth's place as the heir presumptive.

<sup>58</sup> Tudor, 'O Fortune', p. 45.

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*

Fortune's fickleness in its treatment of the innocent and the guilty. Fortune has 'caused[...] the guilty to be loosed / From lands where innocents were enclosed'.<sup>61</sup> Fortune has allowed the guilty to walk free, while it has subjected the 'innocent[...]' Elizabeth to judicial 'enclos[ure]' in prison.<sup>62</sup> Furthermore, Fortune has 'freed those that death had well deserved', while it has 'caused the guiltless to be reserved'.<sup>63</sup> Fortune has saved traitors from a 'well deserved' 'death', while it has 'reserved' a potentially '[un]deserved' 'death' for the 'innocent[...]'.<sup>64</sup> In its 'wresting, wavering state', Fortune has subverted the legal and natural order of things; Elizabeth's imprisonment has been a serious miscarriage of justice.<sup>65</sup> Indeed, Fortune itself is behaving illegal and unnaturally, like someone who should be criminalized.

Nevertheless, as Elizabeth acknowledges, she is still in a position of powerlessness: '[...] all herein can be naught wrought'.<sup>66</sup> On the one hand, Elizabeth could be referring to her general powerlessness to change the course of Fortune. On the other, Elizabeth could also be referring specifically to her current imprisonment at Woodstock. While she is still imprisoned, Elizabeth can do nothing to change her 'Fortune' and clear her name. Alternatively, Elizabeth can simply do nothing while she is at Woodstock; her imprisonment bars her from any sort of action. Consequently, Elizabeth's only recourse is to God. However, it is neither divine fortitude nor sanction that Elizabeth seeks, but divine vengeance: 'So God grant to my foes as they have thought'.<sup>67</sup> Elizabeth desires God to subject her foes to the very fate they have envisaged for her. This poem articulates a considerably different Elizabeth to either the Woodstock couplet or her letter to Mary. Although Elizabeth is imprisoned and under suspicion of treason, the subjectivity she constructs is defiant and angry. It is not unreasonable to suggest that this shift in Elizabeth's construction of her subjectivity in this poem is the result of the cumulative impact of the physical situations *in* which she has been placed for almost a year, namely living under house arrest with its enforced living limitations and constant surveillance.

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<sup>61</sup> Ibid., pp. 45-46.

<sup>62</sup> Ibid., p. 46.

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

<sup>65</sup> Ibid., p. 45

<sup>66</sup> Ibid., p. 46.

<sup>67</sup> Ibid.



Collectively, when Elizabeth's letter to Mary, the Woodstock couplet and 'O Fortune' are viewed in the context of criminalization, various physical relationships emerge. In attempting to de-criminalize her subjectivity, Elizabeth foregrounds her body *as* her situation and its relationship to Mary's body *as* her situation, as well as establishing a direct connection between her body *as* situation and the letter that she writes. Also, the physical dimensions to the situations *in* which Elizabeth is placed as a result of the government's view of her as a potential criminal can be seen to shape her writing. On the one hand, such physical dimensions influence her choice of material medium. On the other hand, they result in Elizabeth constructing her subjectivity differently at various times. Similar physical relationships also characterise the most substantial group of texts pertaining to Elizabeth's imprisonment at Woodstock: the Bedingfield Papers, to which I shall now turn.

***V.2. The Bedingfield Papers: 'Elizabeth the [P]risoner' Writing? and Writing 'Elizabeth the [P]risoner'*<sup>68</sup>**

The Bedingfield Papers are, according to their editor, the Rev. C. R. Manning, the 'State Papers, Relating [t]o [t]he Custody [[of [t]he Princess Elizabeth [a]t Woodstock, [i]n 1554.'<sup>69</sup> Mostly, these Papers are the correspondence between Sir Henry Bedingfield and Queen Mary and the Privy Council.<sup>70</sup> The Papers have been used to illustrate the events that took place at Woodstock and the restricted conditions in which Elizabeth lived. They have also been used to construct various accounts of Bedingfield's subjectivity, his relationship with Elizabeth, as well as accounts of Elizabeth's subjectivity and her relationships with Mary and Bedingfield. None of these historical and critical accounts, however, recognise the impact on the Bedingfield Papers, particularly Bedingfield's letters, of the authorities' attempts to criminalize Elizabeth. This recognition is important since these attempts determine the purpose and specific audience of the Papers.

<sup>68</sup> Tudor, 'Much suspected of me'.

<sup>69</sup> 'State Papers', ed. by Manning, p. 133.

<sup>70</sup> The papers also include several letters between Bedingfield and other people, such as his brothers. It is very likely that Bedingfield retained these letters, as David Starkey has suggested, for future reference if he was ever called to account for his actions (see Starkey, *Elizabeth*, p. 154).

Equally significantly, the authorities' attempts to prove that Elizabeth is a traitor directly inform Sir Henry Bedingfield as a writer as well as Elizabeth as the knowing and potentially criminal subject of Bedingfield's letters. These four factors influence the content of the letters.

Written to keep Mary and the Council informed of 'anye matter [that] shall happen towchyng [...] hys charge [i.e. Elizabeth] worthye [of] adv'tisem<sup>b</sup>', Sir Henry Bedingfield's letters are, in the first instance, surveillance reports; they detail Elizabeth's conversations and actions during her judicial imprisonment.<sup>71</sup> Importantly too, Bedingfield writes these reports for a specific, biased audience. Mary and the Council already strongly suspected Elizabeth of treason and desired to uncover concrete evidence of her criminal actions. Consequently, in keeping with the early modern understanding of criminalization, the Bedingfield Papers place a significant, even obsessive, emphasis on Elizabeth's body and physical activities.

The authorities' attempts to prove that Elizabeth is a criminal also impact on Bedingfield's problematic position as the writer of these letters. Historians have seen Bedingfield variously as a cold-hearted tyrant, a bumbling fool, or as a man who finally succumbed to Elizabeth's charm.<sup>72</sup> Such assessments, however, do not appreciate the precarious nature of Bedingfield's position. On the one hand, Bedingfield is the royally appointed jailer of a woman whom the authorities suspect is a traitor. On the other hand, Bedingfield is placed in the hierarchically reversed position of a member of the aristocracy in charge of the heir presumptive to the throne and the Queen's sister. Bedingfield, therefore, is placed in the dangerous position of scapegoat. Should Elizabeth die in his custody, it is highly likely that Bedingfield would have been held responsible. Conversely, should Mary die, Bedingfield would be answerable to his new Queen for his custodial treatment of her. Bedingfield's precarious position explains his notable anxiety at overstepping the mark, his meticulous attention to detail, and his frequent inability to make decisions without express directions from either Mary or the Council.

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<sup>71</sup> 'State Papers', ed. by Manning, pp. 158-59.

<sup>72</sup> See, for example, Foxe, *Actes and Monumentes*; Holinshed, *Chronicle[s]*; Mumby, *Girlhood of Queen Elizabeth*; J. E. Neale, *Queen Elizabeth I* (St Albans, Herts: Triad/Panther Books Ltd., 1979); Christopher Hibbert, *Elizabeth I: A Personal History of the Virgin Queen* (London: Penguin Books, 2001).

Finally, the authorities' attempts to criminalize Elizabeth inform her own understanding of the seriousness of her position as the subject of Bedingfield's letters, and, consequently, her conduct at Woodstock. Accounts of Elizabeth at Woodstock, including David Starkey's recent analysis, underestimate the extent of the danger of Elizabeth's situation and of its impact on her. During this time, Elizabeth knows she is under house arrest because the government 'suspect[s]' her of high treason and, consequently, is still searching for evidence against her.<sup>73</sup> Elizabeth also knows that attempted regicide is one of the most heinous of early modern crimes, for which the harshest judicial punishments are reserved. Furthermore, Elizabeth is aware that she is under Bedingfield's surveillance and that he is in constant contact with the Council. It is not unreasonable then, to assume that this knowledge informs Elizabeth's actions and articulations at Woodstock; Elizabeth's representations of herself which she knows will be relayed in Bedingfield's letters to Mary and the Council.

The authorities' attempts to criminalize Elizabeth then, directly impact on the Bedingfield Papers, particularly Bedingfield's letters to Mary and the Council. There are two important, and, hitherto, unexamined, ways in which this can be discerned: how Elizabeth, the suspected traitor, apparently writes herself in some of Bedingfield's letters and how Elizabeth, the suspected traitor, is written in the Bedingfield Papers.<sup>74</sup> Accordingly, I will first explore Elizabeth's emergence as the co-author of some of Bedingfield's letters and her attempts to de-criminalize her subjectivity by emphasising her body. Secondly, I will examine the centrality of Elizabeth's body to the Papers and some of the ways in which Elizabeth's subjectivity is constructed by Bedingfield and Mary. In both cases, I will focus on the relationships between Elizabeth's body and other types of physicalities that emerge in the Papers.

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<sup>73</sup> Tudor, 'Much suspected of me'.

<sup>74</sup> Ibid.

Initially, it appears impossible to argue for Elizabeth's co-authorship of some of the Bedingfield Papers. None of the letters are physically written by Elizabeth. Furthermore, not only do the letters reveal an on-going struggle between Elizabeth and Bedingfield, Mary and the Council over Elizabeth's access to writing, but the letters also reveal that Elizabeth is almost always denied access to writing.<sup>76</sup> Even on the three occasions where the government acquiesces, Elizabeth's letter is either non-extant in the case of her letter to Mary, or her letters are mediated through Bedingfield's handwriting, in the cases of the two letters she dictates to him. There is, therefore, no physical evidence of Elizabeth's writing in the Bedingfield Papers. Instead, we apparently have evidence of Elizabeth's verbal articulations. Throughout his letters to Mary and the Council, Bedingfield increasingly quotes Elizabeth's comments as well as several of their conversations, assuring his readers of their accuracy.

In addition to their problematic claim to authenticity, these passages do not appear to support the claim for Elizabeth's co-authorship. These passages are best understood in relation to three factors that determine their production: the authorities' refusal to allow Elizabeth to write, Bedingfield's precarious position as writer, and, the ambiguous textual status of the letters. These three factors are the result of the authorities' attempts to criminalize Elizabeth. Additionally, though, their combination enables Elizabeth's co-authorship by allowing Elizabeth to determine, to an extent, what Bedingfield writes in the instances where he grants her textual and vocal space. Accordingly, I will first examine the three factors and attempt to demonstrate how their combination enables us to see Elizabeth as a co-author of some of the passages in Bedingfield's letters that pertain to her. And, secondly, in the light of this, I will look at some of the ways in which Elizabeth apparently de-criminalizes her subjectivity in these passages.

The first factor that substantiates Elizabeth's role as co-author of some of Bedingfield's letters is, paradoxically, the authorities' denial of her access to writing. Apart from three notable occasions, Elizabeth is systematically refused

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<sup>75</sup> Ibid.

<sup>76</sup> This struggle represents one way in which Elizabeth's body and physical activities are central concerns in the Papers. I shall examine this centrality in more detail in the following section.

permission to write to Mary and the Council on her own behalf. She is denied the opportunity to represent herself as innocent to the very people who believe she is guilty. In Elizabeth's current circumstances, this denial is crucial. Letters are Elizabeth's sole means of asserting her innocence. More importantly perhaps, within the situation Elizabeth is *in*, letters in her 'owen hande' become physical substitutes for her body *as* her situation, the basis upon which her subjectivity is constructed, both by her and the government.<sup>77</sup> Elizabeth, therefore, needs an alternative avenue through which she can present her body and subjectivity as non-criminal before Mary and the Council. Elizabeth locates this avenue in Bedingfield's letters. Elizabeth is aware that Bedingfield writes letters to the Council in which he almost certainly relates, at least some, of her verbal articulations. It is not unreasonable to assume, therefore, that when Elizabeth strongly asserts her innocence, she is not so much addressing Bedingfield as she is Mary and the Council.

Of course, Elizabeth has no control over what Bedingfield chooses to include or, indeed, over the veracity of his representations. However, Elizabeth, like Bedingfield, would be aware of the precariousness of his position as writer, and, this is, I believe, another contributing factor to us regarding Elizabeth as a co-author of some of Bedingfield's letters. As suggested, Bedingfield occupies the dangerous position of scapegoat. In his own interests, then, he needs to find a way of both obeying and disobeying his orders which he does by presenting Elizabeth's comments and conversations as part of his remit to keep the Council informed with what is important. As he states in one letter after relating a conversation with Elizabeth:

Thus moche concernyng hir grace I thought yt *my duetye* to gyve yo<sup>r</sup> l. adv'tism<sup>t</sup> off, to be consydered as yt shall plese yo<sup>r</sup> hono<sup>r</sup>s, Clerelye omittyng any parte off the massage and suite w<sup>ch</sup> my ladyes grace wolde have hadde me to have taken uppon me, and shall so dooe onlesse I have the quenes M<sup>ties</sup> warrunte or yo<sup>r</sup> lordeshippes for the same [*italics mine*].<sup>78</sup>

<sup>77</sup> 'State Papers', ed. by Manning, p. 176.

<sup>78</sup> Ibid., p. 193.

Bedingfield appears to be doing '[his] duetye' and obeying his orders; he informs the Council of what he thinks they will find important, while '[c]lerelye omittynge any parte off' Elizabeth's 'suite'.<sup>79</sup> However, Bedingfield is disingenuous since, in this instance, he has, in fact, relayed one of Elizabeth's considerable protestations of innocence. Equally importantly, Bedingfield now has written physical evidence of either his obedience or disobedience should he ever be called to account by either Mary or Elizabeth. Indeed, as Bedingfield apologetically notes elsewhere, he is 'inforced, by the importunate desyer off [Elizabeth] [...] to trouble' the Council 'w<sup>th</sup> moore letters then be contentefull to [his] owen opinion'.<sup>80</sup> It is not unreasonable to assume, therefore, that Bedingfield's accounts of Elizabeth's articulation are accurate in import at least, if not in their actual wording. Bedingfield may have been the physical writer of these passages, but their content is determined by Elizabeth.

The final factor that supports Elizabeth's co-authorship is the ambiguous textual status of the letters. As Megan Matchinske has argued, in the sixteenth century, distinctions of 'private identity from public persona' as well as 'personal history from state archive' in texts are not as nearly as discrete as they become later in the seventeenth century.<sup>81</sup> Close examination reveals that Bedingfield's letters blur such distinctions, for they are both public and private documents; they are official government correspondence but they are also meant for a highly select, private audience. By the same token, Bedingfield's letters are both biographical and autobiographical. On the one hand, they provide a biographical, even state-sanctioned eye-witness, account of Elizabeth's life at Woodstock. On the other hand, Bedingfield's letters are also his own personal narrative of events; they are '*A memoriall off all [italics mine]*' the documents 'whyche [Bedingfield has] *to shewe* concerning the s<sup>v</sup>ice aboute my Ladie Elizabeths grace [...] [*italics mine*]'.<sup>82</sup> However, while Bedingfield may be telling his version of Elizabeth's story, he does not tell it in all his own words. Bedingfield clearly emphasises what Elizabeth 'say[s] in [her] words', distinguishing it from his larger narration and personal observations.<sup>83</sup> Given the destabilisation of the

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<sup>79</sup> Ibid.

<sup>80</sup> Ibid., p. 178.

<sup>81</sup> Matchinske, *Writing, Gender and State*, p. 3.

<sup>82</sup> 'State Papers', ed. by Manning, p. 140.

<sup>83</sup> Ibid., p. 176.

boundaries between public and private as well as those between biography and autobiography that occur in the letters, they can also be seen to destabilise the boundary between the physical act of writing and what is written. Consequently, by granting Elizabeth textual and vocal space in his letters, Bedingfield grants Elizabeth a degree of authorship, even though he is the physical writer.

Collectively, these three factors enable Elizabeth's co-authorship of the passages in Bedingfield's letters in which he reports her. And, paradoxically, it is the authorities' denying of Elizabeth access to writing, as well as their attempts to criminalize her that enable her role as co-author. Elizabeth constructs her subjectivity as innocent in Bedingfield's hearing in the hopes that he will include this in his letters since this is her only avenue of self-defence. Bedingfield, in turn, does precisely this; not because he is sympathetic or because he has been unwittingly manipulated, but because his position dictates that it is in his interest to do so. Bedingfield can do this because the ambiguous status of his texts allows him to move safely between the roles of author and writer. Hence, although Elizabeth is not the physical writer of any of the relevant passages in Bedingfield's letters, she can, nevertheless, be seen as their co-author. Accordingly, in the remainder of this section, I shall examine some of the ways Elizabeth attempts to de-criminalize her subjectivity by emphasising her body *as* her situation and the situation her body is *in*.

One instance in which Elizabeth emerges as a co-author is in Bedingfield's report on Elizabeth's responses to the contents of Mary's letter, 25 June 1554; Mary's answer to Elizabeth's non-extant letter.<sup>84</sup> In addition to expressing her anger with Elizabeth and her belief that Elizabeth is guilty despite her protestations of innocence, Mary categorically states she does not wish to receive any more of Elizabeth's 'colorable [*sic*]', disingenuous, letters.<sup>85</sup> After reiterating her innocence, Elizabeth asks Bedingfield to write a letter to the Council on her behalf 'for [her] better comforte In [*sic*] thys [her] adversite'.<sup>86</sup> Predictably, Bedingfield refuses. At this point, Elizabeth launches into an unfavourable comparison between the situation that her body is *in* at Woodstock and that of the bodies of prisoners in the Tower. Prisoners in the Tower, declares

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<sup>84</sup> See *ibid.*, pp. 191-93.

<sup>85</sup> *Ibid.*, p. 192.

<sup>86</sup> *Ibid.*

Elizabeth, are afforded better treatment than she is at Woodstock. Such prisoners are granted the right to 'open their mynde[s]' and defend themselves to the Council via the Lieutenant of the Tower.<sup>87</sup> Elizabeth, on the other hand, is not even granted that right. The next day, Elizabeth makes a similar argument, using the situation of the prisoners in Newgate as her point of comparison. Even 'the wurste p[ri]soner In [sic] Newegate, [...] be never gaynesayde in the tyme off there [sic] Imp[ri]sonm<sup>t</sup> by oon frende or other to have there [sic] cause opened and sued for [...]'.<sup>88</sup>

Here, Elizabeth emphasises the situation that her body is *in* and its physical restrictions; her incarceration at Woodstock and the prohibition against writing on her own behalf. Furthermore, Elizabeth's comparisons suggest not only the harshness of her judicial confinement, but also its illegality. Elizabeth has been denied the rights that prisoners in both the Tower and Newgate are automatically granted. If denying Elizabeth access to representation is illegal, then, by extension, so too is her incarceration. Elizabeth is, therefore, positioning herself as the innocent victim of state-sanctioned illegal practices. Also, by shifting her comparison from political prisoners in the Tower to common prisoners in Newgate, Elizabeth emphasises the severity of the government's treatment of her body *as* her situation. Elizabeth is, after all, the heir presumptive and she is being treated more badly than the 'wurst p[ri]soner In [sic] Newegate'.<sup>89</sup>

Elizabeth's arguments seem to have made some impact. In their letter to Bedingfield three days later, the Council informs Bedingfield that he may write a letter on Elizabeth's behalf. Curiously, Elizabeth finally takes advantage of this offer over three weeks later: 'My ladye Elizabethes graces sute' is dated 30 July.<sup>90</sup> In her 'sute', Elizabeth is much less forthright than in her previous

<sup>87</sup> Ibid.

<sup>88</sup> Ibid., p. 193. In Bedingfield's letter dated 14 September 1554, Elizabeth makes a similar argument again in relation to her inability to write in her own defence: '[...] I am at a marvelous afterdele [i.e. 'disadvantage', *OED*], ffor I have knowen that the wyff hath been receyved to sue for hir husbonde; the kynseman, frende or s'vnte for them that hath been In [sic] the case I nowe am, and never denied' (ibid., p. 205).

<sup>89</sup> Ibid., p. 193.

<sup>90</sup> Ibid., pp. 203-04. In this letter, because Bedingfield has been granted permission by both Mary and the Council to write this letter on Elizabeth's behalf, he makes his position as physical writer, not author, very clear in his opening sentence: 'My ladye ELizabethe [...] requyred me to make reporte of her graces mynde [...] on her behalf to [the following] effect' (ibid., p. 203).



conversations with Bedingfield.<sup>91</sup> For, while she proclaims her innocence, she does so with more humility and conciliatoriness. Nevertheless, Elizabeth still emphasises the situation her body is *in* as well as her body *as* her situation as evidence of her innocence. In her suit, Elizabeth makes three central requests, all of which revolve around her body. Elizabeth prefaces these requests by drawing the Council's attention to her physical deprivations; she asks them to 'consider[...] her longe imprisonm<sup>t</sup> and restraynt of libertye'.<sup>92</sup> She then asks that the Council 'eyther [...] charge her w<sup>t</sup> speciall matter to be aunswered unto and tryed, or [...] graunt her libertye to com[e] unto her highness [*sic*] p[re]sence[...]'.<sup>93</sup> Both options are premised on and reinforce Elizabeth's claim of innocence. In being held without 'charge [...] w<sup>t</sup> speciall matter', Elizabeth subtly points out the illegality of her physical incarceration to the Council.<sup>94</sup> If the Council does not have sufficient evidence to charge Elizabeth with treason, then it cannot prove she is guilty; Elizabeth must, therefore, be innocent. Moreover, if the Council cannot charge Elizabeth 'w<sup>t</sup> speciall matter', Elizabeth reiterates her request to Mary in her letter of March 16 that Elizabeth be 'graunt[ed] her libertye' and be allowed to present herself to Mary in person.<sup>95</sup> Indeed, states Elizabeth, she 'wolde not desyer [it] were yt not y<sup>t</sup> she knowethe her self to be clere [...]'.<sup>96</sup> In keeping with the early modern emphasis on the body *as* situation as proof of guilt, if Elizabeth were guilty, she would not want to present herself to Mary.

Elizabeth then shrewdly asks the members of the Council who were 'p[ar]tyes and p'vye to and for thexecuc[i]on [*sic*] of the will of the Kings Ma<sup>tie</sup>, her father, to further [...] her [...] suyt'.<sup>97</sup> Elizabeth reminds the Council of the significance of her body *as* her situation; she is Henry VIII's daughter, a royal princess and Mary's legal successor. This reminder, moreover, adds weight to her previous request that the Council charge her 'w<sup>t</sup> speciall matter [...], or to graunt her libertye'; Elizabeth's body *as* her situation dictates that, if she is

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<sup>91</sup> Ibid.

<sup>92</sup> Ibid.

<sup>93</sup> Ibid.

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

innocent as she claims to be, she should not be placed *in* her current situation.<sup>98</sup> If neither of these requests is granted, however, Elizabeth asks that Mary allow some of the Council to ‘repayer [...] unto her and to receyve her suyts of her owne mouwthe to be opened’.<sup>99</sup> Once again, Elizabeth can be seen to place a premium on her body *as* her situation, drawing on the assumption that the body *as* a situation provides evidence of innocence or guilt. For, although she cannot gain personal access to Mary, if Elizabeth can meet some members of the Council in person, in the process of making ‘suyts of her owne mouwthe’, she might be able to convince them of her innocence.<sup>100</sup>

Just over three weeks later, Elizabeth establishes a relationship between her ‘mouwthe’ as part of her body *as* her situation and her words to decriminalize herself in a specifically religious context.<sup>101</sup> On 26 August, immediately prior to her confession and receipt of the Catholic communion, Elizabeth calls Bedingfield and two members of her household, Mr Tomeo and Mrs Morton, to witness her declaration of innocence.<sup>102</sup> Elizabeth avers that ‘In [*sic*] all her lyffe, [she] hadde don nooe thyng, nor intended to dooe, that [which] was perilous to the p[er]son off the quenes highnes or the Comonwelth [...] as godde, to hoos m’cie she then mynded to com[m]itte hyr self, was iudge’.<sup>103</sup> Elizabeth then proceeds to ‘receive[...]’ mass.<sup>104</sup> Here, Elizabeth draws on the sanctity of the Catholic rituals of confession and the mass, in addition to the presence of witnesses, to reinforce not only her situation *as* a true Catholic, but also her innocence. More importantly, Elizabeth is establishing a direct physical connection between her words of innocence, her body and her virtuous spiritual, and, therefore non-criminal, state. Elizabeth’s mouth utters her words of innocence. Her mouth also confesses her sins to her chaplain. But, most importantly, it receives the body and blood of Christ. To the Catholic mind, and

<sup>98</sup> Ibid.

<sup>99</sup> Ibid., pp. 203-04.

<sup>100</sup> Ibid., p. 204.

<sup>101</sup> Ibid.

<sup>102</sup> These two people seem to have been appointed to the household by Mary. See note ‘r’, in *ibid.*, p. 155, and p. 165.

<sup>103</sup> Ibid., p. 208. Although these events took place on 26 August, Bedingfield writes this letter almost three weeks later on 14 September 1554.

<sup>104</sup> Ibid.

Mary was a staunch Catholic, to make a false declaration at this particular point would irrevocably result in eternal damnation.<sup>105</sup>

It is impossible to say to what Elizabeth's personal theological beliefs were, whether during her imprisonment at Woodstock or after. What is more certain is that through the combination of the authorities' denying Elizabeth access to writing, Bedingfield's precarious position as writer and the textually ambiguous status of his letters, Elizabeth emerges as the co-author of some of Bedingfield's passages. Furthermore, Elizabeth frequently emphasises her body as her situation in conjunction with the situation her body is *in* to de-criminalize her subjectivity. These passages, however, do not constitute the bulk of Bedingfield's letters. The vast majority of Bedingfield's letters, as well as those written by the Council and Mary, are devoted to writing 'Elizabeth the prisoner'.<sup>106</sup> And, 'Elizabeth the prisoner' is written primarily in terms of her body and her physical activities. Accordingly, it is to this aspect of the Bedingfield Papers that I shall turn in the final section of this chapter.<sup>107</sup>

#### *V.2.ii. The Bedingfield Papers 2: Writing 'Elizabeth the [P]risoner'*<sup>108</sup>

Elizabeth's body and physical activities are central to the Bedingfield Papers. Indeed, Bedingfield's, and, by extension, the government's, concern with them borders on the obsessive. This striking interest in Elizabeth's body and physical activities is a direct consequence of the authorities' attempts to criminalize Elizabeth, their desire for physical evidence of her criminal activities and criminal subjectivity, as well as the primary function of Bedingfield's letters as surveillance reports. Not surprisingly then, Bedingfield's letters to the Council and to the Queen are littered with references to, and observations of, Elizabeth's body and physical actions as well as her body's contact and interactions with other people and physical objects. Bedingfield notes, for example, Elizabeth's

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<sup>105</sup> This is not the only occasion when Elizabeth apparently demonstrates her Catholic beliefs. On several occasions, Bedingfield reports to the Council and Mary that Elizabeth's chaplain testifies to Elizabeth's adherence to Catholicism. Indeed, when Mary requests that Elizabeth hear Mass in Latin instead of English, Elizabeth immediately conforms. See *ibid.*, pp. 218-19.

<sup>106</sup> Tudor, 'Much suspected of me'.

<sup>107</sup> *Ibid.*

<sup>108</sup> *Ibid.*

physical exercise: the occasions upon which Elizabeth avails herself of chaperoned walks in Woodstock's gardens.<sup>109</sup> Similarly, Bedingfield mentions that Elizabeth has 'washed hir hedde'.<sup>110</sup> Bedingfield also notes Elizabeth's observance of Mass: her physical attendance, her verbal conformity as well as her receiving Catholic communion.<sup>111</sup> Bedingfield also notes the instances where Elizabeth does not conform to Catholic ritual.<sup>112</sup> By the same token, Bedingfield informs the Council who Elizabeth comes into contact with. Bedingfield repeatedly complains about Elizabeth's servants, voices his suspicions about visitors, and recommends that some of her servants be replaced.<sup>113</sup> Additionally, Bedingfield pays close attention to the gifts sent to Elizabeth, particularly books, and her receipt of them.<sup>114</sup> He even keeps the Council abreast of Elizabeth's diet.<sup>115</sup> It is not unreasonable, then, to suggest that Bedingfield writes 'Elizabeth the prisoner' primarily in terms of her body and physical activities.<sup>116</sup>

In this section then, I will focus on the construction of Elizabeth's subjectivity in terms of her body in the Bedingfield Papers. Although Bedingfield attends closely to Elizabeth's body and physical activities, his construction of her subjectivity is ambiguous; he does not explicitly construct Elizabeth's subjectivity as criminalized nor does he employ terms that are associated with criminality such as 'unnatural'. This is all the more striking when compared to Mary's explicit construction of Elizabeth's subjectivity as criminal in her letter of 25 June 1554. Accordingly, I will first examine the question of the health of Elizabeth's body *as* her situation as an important example of the concern with Elizabeth's physicality demonstrated by the Bedingfield Papers and of Bedingfield's ambiguous construction of her subjectivity. Secondly, in contrast, I will examine Mary's construction of Elizabeth's body and subjectivity in criminalized terms in her 25 June letter. Before doing so, however, I will briefly explore what I believe to be the main reasons for the government's interest in the state of Elizabeth's physical health.

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<sup>109</sup> See, for example, 'State Papers', ed. by Manning, pp. 174, 176, 193, and 205.

<sup>110</sup> *Ibid.*, p. 211.

<sup>111</sup> See *ibid.*, pp. 208 and 218-19.

<sup>112</sup> See *ibid.*, pp. 213-14.

<sup>113</sup> See, for example, *ibid.*, pp. 160, 170-1, 176-77, 193-94, and 198.

<sup>114</sup> See, for example, *ibid.*, pp. 161 and 175-6.

<sup>115</sup> See, for example, *ibid.*, pp. 174, 177, and 184.

<sup>116</sup> Tudor, 'Much suspected by me'.

As various scholars have noted, the government's concern over Elizabeth's health can be partially explained as its desire to ensure her physical well-being. Neither Mary nor her government wanted to face accusations of state-sanctioned assassination or negligence in the event of Elizabeth's death in custody. However, such official concern can also be explained in terms of criminalization. In the first place, the physical state of the body *as* an individual's situation provides the most immediate evidence of the individual's criminal subjectivity. Since Elizabeth is still under judicial investigation, her body remains a focal point for the government. And, as Mary and her Council are aware, Elizabeth's body *as* her situation already has a history of potential criminality. Secondly, it is possible that the government's interest in Elizabeth's health derives from some of her previous, suspicious illnesses. In some cases, Elizabeth's claims of ill-health have been made under dubious circumstances and appear to have been at least partially politically motivated. When Mary's counsellors arrived at Hatfield to escort Elizabeth to London to face charges regarding the Wyatt rebellion, Elizabeth claimed ill-health. And although Elizabeth appeared to be genuinely ill, there was the suggestion that Elizabeth was also using her physical illness, or, her body *as* her situation, to attempt to extricate herself from a situation in which she could be charged with having committed a crime and to provide herself with an alibi.<sup>117</sup> Finally, as we shall see, the government's priority of obtaining physical evidence over Elizabeth's well-being is further supported by its lack of insistence that Elizabeth see a doctor even when she is ill.

In paying attention to Elizabeth's health on behalf of the government, then; whether 'My l. Elizabeth's grace continueth in helth accustomed' or whether she is ill, Bedingfield is attending to Elizabeth's body *as* her situation

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<sup>117</sup> A similar incident seems to have occurred the previous year in 1553. When Elizabeth received a summons from the Earl of Northumberland to go to London for her own safety when Edward VI's imminent death was widely rumoured, Elizabeth remained at Hatfield, pleading ill health. Northumberland was preparing his ill-fated *coup* to remove Mary from the succession and replace her with Lady Jane Grey and her husband, Guildford Dudley, one of Northumberland's sons. Famously, the *coup* failed and while there is no concrete evidence that Elizabeth was aware of Northumberland's intentions, it is possible that she was. Elizabeth's convenient illness meant that she was not implicated in Northumberland's plans. The same illness, however, prevented Elizabeth from lending her support to Mary's bid to re-claim her throne. So while Mary could not accuse Elizabeth of supporting Northumberland, she could accuse Elizabeth of not supporting her true monarch as she should have done.

and to the indicators it might provide to her subjectivity.<sup>118</sup> This attention is evident from the outset of the correspondence. In his first letter to Mary dated 21 May 1554, Bedingfield informs Mary that, ‘to [his] iudgement’, Elizabeth ‘was ryght werye’ at the time of writing and suggests the cause to be the state of the ‘lytter’ in which she travelled to Woodstock.<sup>119</sup> He also notes that the Queen’s ladies informed him that Elizabeth ‘hath not been verye well at ease’.<sup>120</sup> Nevertheless, continues Bedingfield, Elizabeth ‘required to walke and see an other lodgyng in the house [i.e. Woodstock’s gate house]’.<sup>121</sup> Alternatively, almost a week later, Bedingfield writes that Elizabeth has apparently recovered: ‘Hyr grace, [...] continueth In [*sic*] reasonable [*sic*] helth and quietnesse, as far as I can p[er]ceyve [...]’.<sup>122</sup>

In addition to Bedingfield’s obvious preoccupation with Elizabeth’s health, these initial observations reveal Bedingfield’s ambiguous construction of Elizabeth’s subjectivity. Although, as Bedingfield notes, some of Elizabeth’s female attendants informed him that Elizabeth was ‘not [...] verye well at ease’, ‘yette’ Elizabeth asked to go for a walk and inspect other rooms.<sup>123</sup> This could either suggest that Elizabeth is not that ill or that the women have overstated the case. Alternatively, it could suggest that Elizabeth is already using her health to construct various misleading subjectivities for the people around her. Bedingfield, however, presents a reserved assessment. In referring to his ‘iudgem<sup>t</sup>’ and ‘p[er]c[eption]’,<sup>124</sup> he indicates that his assessments of Elizabeth’s health are based on his personal observations of Elizabeth’s body, while suggesting his knowledge is limited by what ‘[he] can p[er]ceyve’.<sup>125</sup> Moreover, as Bedingfield admits, some of his information is obtained from other sources, such as the women attending Elizabeth. Bedingfield does not explicitly construct Elizabeth’s subjectivity as innocent or criminal. Instead, he merely notes his observations and leaves such projects to his recipients.

<sup>118</sup> ‘State Papers’, ed. by Manning, p. 174.

<sup>119</sup> *Ibid.*, p. 148.

<sup>120</sup> *Ibid.*

<sup>121</sup> *Ibid.* Elizabeth was not lodged in the main body of Woodstock Palace. Instead, she was restricted to the gatehouse.

<sup>122</sup> *Ibid.*, pp. 160-61. Bedingfield also pays attention to the state of health of Elizabeth’s servants. On several occasions, he refers to the illnesses of various servants, as well as to Elizabeth’s requests that they be allowed to stay or be excused. See *ibid.*, pp. 177, 184, 189-90, and 220-01.

<sup>123</sup> *Ibid.*, p. 148.

<sup>124</sup> Respectively, *ibid.*, and *ibid.*, p. 161.

<sup>125</sup> *Ibid.*

Bedingfield's ambivalence can be explained in terms of his precarious position at Woodstock. Bedingfield does not want to be seen as omitting potentially crucial physical evidence of Elizabeth's potentially criminal state. Equally, however, he does not want to explicitly criminalize the heir presumptive. His ambiguous construction of Elizabeth's subjectivity based on her body's health continues even when her body appears to provide more concrete, albeit mysterious, evidence. On 9 June 1554, Bedingfield reports that Elizabeth 'continueth in helth accustomed, w<sup>th</sup> thonelye *swellyng in the visage* at certayn times excepted [*italics mine*]'.<sup>126</sup> In an undated 'Message delyvered to [his] brother [...] to declare over to [the] lorde Chamberlayne', Bedingfield informs the Lord Chamberlain that Elizabeth is worse. She

ys daylye vexed w<sup>th</sup> the swellyng in the face *and other p[ar]ts off hir bodye* [...]. w<sup>ch</sup> I dooe see hir grace often vexed w<sup>th</sup>all [*italics mine*].<sup>127</sup>

In neither letter does Bedingfield suggest a possible cause for these swellings nor does he specify which 'other p[ar]ts' of Elizabeth's body are swelling.<sup>128</sup> He only states that Elizabeth 'm'velouslye desyreth' the '[i]mmEDIATE[...]' 'counsell' of 'phesic[i]ons' and that he has witnessed the frequency with which Elizabeth is 'vexed' by these complaints.<sup>129</sup> By 16 July, Bedingfield reports that

[u]ppon saturdaye, her gracs face in the mornynge was somewhat swolne: that same night, as she sayd her self, she was verye evell at ease; neverthelesse as towching counsell of phisick she speaketh nothing.<sup>130</sup>

Bedingfield notes that Elizabeth is still visibly unwell and that she herself mentions that she is 'verye evell at ease', but that she has spoken 'nothing'

<sup>126</sup> Ibid., p. 174.

<sup>127</sup> Ibid., pp. 183-84. This letter appears to have been written before 22 June since another letter by Dr Owen to Bedingfield, which is dated 22 June, refers to the Council's permission in letting him write and suggest several remedies to ease Elizabeth's discomfort.

<sup>128</sup> Ibid., pp. 183 and 184. Although the cause of these swellings has not yet been conclusively identified, some scholars have suggested various medical explanations. See, for example, Weir, *Children of England*, p. 269: '[...] in June Elizabeth had fallen ill with another attack of what seems to have been nephritis'.

<sup>129</sup> 'State Papers', ed. by Manning, p. 184.

<sup>130</sup> Ibid., p. 198.

concerning medical attention.<sup>131</sup> Again, Bedingfield appears to be implying that there is something suspicious about Elizabeth's lack of request for medical attention despite her evident ill-health. Nevertheless, he merely relays his observations to the Council, refusing to offer an opinion, or a criminalized construction, of Elizabeth's subjectivity.

Elizabeth's shift from 'm'velouslye desyr[ing]' medical attention to 'speak[ing] nothing' of it is simultaneously explicable and suspicious.<sup>132</sup> Both explanations need to be seen in the context of the current attempts of the authorities to criminalize Elizabeth in conjunction with her body's criminalized history. As Bedingfield's undated message to the Lord Chamberlain makes clear, Elizabeth has previously requested medical attention, desiring to see Dr Huycke, Dr Wendy or Dr Owen.<sup>133</sup> Elizabeth is informed, however, that none of these doctors are available but that she can be seen by either Dr Barnes or Dr Walbec. Elizabeth refuses to see them, stating that she is 'not mynded to make anye straunger p[ri]vie to the estate off [her] bodye'.<sup>134</sup> Elizabeth refuses to allow 'anye straunge[...]' male physician access to the 'p[ri]vie', private and personal 'estate off [her] bodye'.<sup>135</sup> Although sick, the 'estate off' Elizabeth's 'bodye' is that of the royal body of the daughter of Henry VIII, the body of the heir presumptive to the throne, and the body personal of the future queen of England.<sup>136</sup> The privacy of such a female body *as* a situation must be respected and not made available to 'anye straunge[...]' men, physicians or otherwise.<sup>137</sup> Elizabeth's refusal to be seen by these doctors may well have been mistrust since the doctors were unknown to her. It is possible that Elizabeth suspected that their reports would be damning in some way. Indeed, her previous experience in the Tower seems to inform this. Elizabeth appears to believe that the government is not so much interested in her health and her comfort in 'spe[e]d[ing] [her] requeste, but rather to knowe whom [she] wolde name' when she was ill, and, therefore whom she trusted.<sup>138</sup> Consequently, Elizabeth continues to refuse to see

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<sup>131</sup> Ibid.

<sup>132</sup> Ibid., pp. 184 and 198, respectively.

<sup>133</sup> See *ibid.*, pp. 183-84.

<sup>134</sup> Ibid., p. 191.

<sup>135</sup> Ibid.

<sup>136</sup> Ibid.

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.



either of the doctors even though her health does not improve, reiterating the same refusal to Bedingfield as late as 21 October 1554.<sup>139</sup>

At the same time, however, Mary and the Council could also construe Elizabeth's refusal to see either of these doctors as suspicious and evidence of her guilt. Elizabeth could be refusing to allow the physicians' access to her body *as* her situation because her body will provide the Council with physical evidence they could use to convict her. One possible cause of Elizabeth's illness could be pregnancy, since Bedingfield's descriptions of Elizabeth visible symptoms; the mysterious swellings of the face and other parts of her body are highly suggestive. If Elizabeth could be shown to be pregnant, for example, then not only would she be discredited in the eyes of her Protestant supporters but she could also be safely, and legally, excluded from the succession, thus conveniently solving two of the government's problems. Furthermore, given the previous rumours of Elizabeth's illness after her eviction from Chelsea and, later, of her pregnancy by Thomas Seymour, it is understandable why the Council do not insist on Elizabeth seeing a doctor; time might profitably 'tell'.

Ultimately, however, Elizabeth's body did not provide the evidence the Council were hoping for. Ultimately too, Elizabeth got her way. In his letter of late October or early November 1554, in which he makes his final reference to her health and doctors,<sup>140</sup> Bedingfield informs the Council that he witnessed Dr Wendy and Dr Owen's 'bledynge of [Elizabeth's] arme' and 'hir foote stryken & bleade [...]'.<sup>141</sup> Apparently, according to Bedingfield's own observations, Elizabeth's body does not provide any visible evidence of unnatural physicality. Furthermore, Elizabeth's health seems to be improving 'resonablye well, as that case requierethe'.<sup>142</sup> If Elizabeth is indeed guilty, her body *as* her situation is not providing the prerequisite evidence of unnaturalness, sinfulness, or criminality that could be used as the basis for constructing Elizabeth as a criminal. Bedingfield's comments suggest that Elizabeth might, in fact, be innocent. Nevertheless, as always, Bedingfield leaves that inference to his readers.

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<sup>139</sup> See *ibid.*, pp. 221-22.

<sup>140</sup> See *ibid.*, pp. 223-24. Like Bedingfield's message to the Lord Chamberlain above, this letter is undated. Furthermore, it is unclear whether this letter is part of the letter dated 19 November 1554, and which ends in Manning's edition on p. 225, or not. However, Bedingfield's reference to the physicians' visit on the 28 October suggests this time frame.

<sup>141</sup> *Ibid.*, p. 223.

<sup>142</sup> *Ibid.*

Bedingfield's ambiguous construction of Elizabeth's subjectivity is notable in its own right. However, it becomes more notable in its stark contrast to another construction of Elizabeth's subjectivity in the Bedingfield Papers: Mary's 25 June letter, written in response to a letter of Elizabeth.<sup>143</sup> As opposed to Bedingfield, Mary explicitly constructs Elizabeth's subjectivity as criminalized. Judging from Mary's response, Elizabeth's letter argued for her innocence contrary to the suggestion of the extant physical evidence; namely, Wyatt's confession and Elizabeth's letter to the King of France.<sup>144</sup> Mary maintains, however, that such evidence is incontrovertible. As Wyatt's confession revealed, the traitors clearly 'hadde [...] certayn knowledge off [Elizabeth's] favo<sup>r</sup> towards their unnaturall conspiracie' of attempted treasonous regicide and Elizabeth's letter was found in the French ambassador's 'pacquette'.<sup>145</sup> As one of the most heinous early modern crimes, Elizabeth's clear association with attempted regicide renders her guilty in Mary's eyes, even if Elizabeth has 'yet' to 'confess[...]'.<sup>146</sup> Indeed, Elizabeth's 'unnaturall[ness]' in her involvement in these treasonous activities is double; not only is Elizabeth unnaturally, sinfully and illegally rebelling against her anointed monarch, but she is also unnaturally and sinfully rebelling against her elder sister.<sup>147</sup>

Furthermore, for Mary, Elizabeth's guilt is apparent in her very letter. Elizabeth's written persistence in maintaining her innocence in the face of Wyatt's confession and her letter to the French King only makes her assertions more suspect. Elizabeth thinks that her words will blind Mary to the truth, 'yet cannot these fayer words so moche abuse us, but we dooe well understonde how well things have been wrought'.<sup>148</sup> As Mary points out, such secret conspiracies are frequently correctly 'iudged by p[ro]bable coniectures and other suspic[i]ons and arguments, when the playne directe prove maye chaunse to fayle'.<sup>149</sup> Mary

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<sup>143</sup> See *ibid.*, pp. 182-83.

<sup>144</sup> Mary is referring here to the 'testimonie[s]' of 'div'se off the most notable trayto<sup>rs</sup> [who] made their chief accompte upon hir', particularly Wyatt's 'confession[...]' under torture, and the presence of Elizabeth's letter in the French ambassadors' 'pacquette' (*ibid.*, p. 182).

<sup>145</sup> *Ibid.*

<sup>146</sup> *Ibid.*

<sup>147</sup> *Ibid.*

<sup>148</sup> *Ibid.*, p. 183.

<sup>149</sup> *Ibid.* Mary was in a better position than most to know. She herself had been in a similar position to Elizabeth during her brother's reign when she had planned to escape to Spain to avoid religious persecution, hidden priests from the authorities, and both secretly and illegally heard mass. See Erickson, *First Elizabeth*, and Weir, *Children of England*.

clarifies her point further. 'Even as wise Solomon Iudged who was the true mother off the childe by the womans behaviour & words, when other p[ro]ve fayled and coude not be hadde'.<sup>150</sup>

Mary's choice of this biblical analogy is significant. Solomon was presented with two mothers who both claimed to be the legal and natural parent of a child. England had the choice of two Queens, of two 'mother[s]'.<sup>151</sup> According to Mary, she is England's legitimate 'mother'; legally, naturally and religiously, while Elizabeth, with her disputed parentage, adulterous and possibly supernatural mother, is undoubtedly illegitimate.<sup>152</sup> More importantly, however, Solomon did not have any 'other [concrete and physical] prove', or legally admissible proof, upon which to base his decision.<sup>153</sup> Mary is telling Elizabeth that, like 'wise Solomon', 'when other p[ro]ve fayle[s] and [can] not be hadde [...]' she will make the right judgement in the matter of Elizabeth's guilt or innocence based on Elizabeth's 'behaviour [*sic*] & words'.<sup>154</sup> As both Mary and Elizabeth know, Elizabeth's 'behaviour [*sic*] & words', both of which are indices to her innocence or guilt, are constantly reported to and scrutinised by Mary and the Council.<sup>155</sup> Furthermore, notes Mary, 'yt maye well appere [Elizabeth's] menyng and p<sup>r</sup>pose to be farre otherwise then hir letters p<sup>r</sup>porteth'.<sup>156</sup> Mary suggests that it is very possible that, sooner or later, the disparity between Elizabeth's 'words' and her 'behaviour' will become clear, providing unequivocal evidence of Elizabeth's treason.<sup>157</sup> In the meantime, however, Mary does not wish to be 'hereafter enye moore molested w<sup>th</sup> suche her [i.e. Elizabeth's] disguise & colourable letters, [...]'.<sup>158</sup> As far as Mary is concerned, Elizabeth's guilt is self-evident. Elizabeth's 'disguise[d] & colourable' words, like her '[c]onspiracies [...] secretlye practised', do not need to be read, heard or seen; their origin in Elizabeth's body *as* her situation will establish or refute their

<sup>150</sup> 'State Papers', ed by Manning, p. 183.

<sup>151</sup> *Ibid.* Mary also figured herself as the mother of her subjects in her speech at Guildhall to rally Londoners to her side when Wyatt was approaching.

<sup>152</sup> *Ibid.*

<sup>153</sup> *Ibid.*

<sup>154</sup> *Ibid.*

<sup>155</sup> *Ibid.*

<sup>156</sup> *Ibid.*

<sup>157</sup> *Ibid.*

<sup>158</sup> *Ibid.*

veracity, since Elizabeth's body *as* her situation will ultimately provide Mary and the Council with the evidence they are looking for.<sup>159</sup>

In this way, the Bedingfield Papers demonstrate the significance of Elizabeth's body and physical activities to Bedingfield, Mary and the Council. The primary reason for this lies in the authorities' attempts to locate concrete evidence of Elizabeth's involvement in Wyatt's 'unnaturall conspiracie', and, therefore, evidence of Elizabeth's 'unnaturall', sinful and criminal body and subjectivity.<sup>160</sup> However, the Bedingfield Papers also reveal a variety of constructions of Elizabeth's subjectivity based on her body and her physical activities. In Bedingfield's case, such constructions are non-committal whereas in Queen Mary's case, Elizabeth is unambiguously constructed as a deceitful and unnatural traitor whose guilt will inevitably be established. Most importantly, the Bedingfield Papers represent a rich source of various constructions of Elizabeth Tudor's subjectivity in the context of criminalization prior to her accession in 1558 whose importance this chapter has only started to uncover.

### ***V.3. Conclusion:***

'Much [...] proved can be' then; both from Elizabeth's own writings as well as the Bedingfield Papers.<sup>161</sup> Most striking about these texts is the extent to which Elizabeth's body *as* her situation dominates because of the situations *in* which she is placed. On the one hand, Elizabeth repeatedly emphasises her body *as* her situation as virtuous, natural and legitimate in her attempts to de-criminalize her subjectivity. On the other hand, Elizabeth's body *as* her situation is a focal point for Bedingfield's correspondence because the government believes that it will provide them with the evidence they need to convict her of treason. Consequently, because Elizabeth's body *as* her situation is highlighted in these ways, traces of her subjectivity can be located and instances of it re-constructed.

To see Elizabeth through the eyes of the authorities as a criminal is, however, to shatter an image that Elizabeth herself was later to promote, and

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<sup>159</sup> Ibid.

<sup>160</sup> Ibid., p. 182.

<sup>161</sup> Tudor, 'Much suspected by me'.

which largely prevails today. Nevertheless, to do this illustrates several things. To engage with Elizabeth as a potential criminal does not necessarily have to be a negative project. Instead, such a project reveals Elizabeth's awareness of the importance her body to constructions of her subjectivity and illustrates that her emphasis on her body was a practice in which she was actively engaged before her accession. It also expands our understanding of how both Elizabeth and others viewed her subjectivity during a period in her life that has been overshadowed by her later life and achievements in a way that sheds an additional light on the depth and complexity of her subjectivity. Finally, it illustrates another early modern woman's strategy of de-criminalizing her subjectivity.

In the following two chapters, I shall shift my attention from the historical writings of early modern women who were judicially confined and wrote out of the authorities' attempts to criminalize them. Instead, I shall focus on the fictional writings of two early modern women who appear to be deeply concerned with the questions of female criminality, the construction of criminalized female subjectivity, and, above all, the centrality of the female body in this context.

## CHAPTER VI

### DIVORCE, ADULTERY, VIOLENCE, AND FEMALE CRIMINALIZATION IN *THE TRAGEDIE OF MARIAME, THE FAIRE QUEENE OF IEWRY* (1613)

Her body is divided from her head.

(Cary, *The Tragedy of Mariam*)<sup>1</sup>

Towards the end of Act V in Lady Elizabeth Cary's original neo-Senecan closet drama, *The Tragedy of Mariam* (1613), Nuntio starkly informs King Herod of Judea that his wife, Mariam, has been beheaded. In the neo-Senecan convention of relating, rather than showing, violence, Nuntio's statement impresses upon Herod the irreversible consequences of the execution of Mariam for adultery: her head has been severed from her body. Hitherto, critics have seen Mariam's death as evidence of her proto-Christian martyrdom or as her final act of rebellion against patriarchal tyranny in the private and public spheres.<sup>2</sup> However, Mariam's death also lends itself to two other areas of critical investigation. First, in addition to its description of corporeal severance, Nuntio's bald statement suggests another type of severance. In terms of the Pauline formulation of matrimony, Mariam-as-wife/body has been irrevocably 'divided' from Herod-as-husband/head: Mariam is now permanently divorced from Herod.<sup>3</sup> And, secondly, in being publicly executed for sinful, unnatural and, according to

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<sup>1</sup> Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, V.90.

<sup>2</sup> For critical accounts that view Mariam as a proto-Christian martyr, see, for example, Elaine V. Beilin, 'The Making of a Female Hero: Joanna Lumley and Elizabeth Cary', in *Redeeming Eve*, pp. 151-76; Sandra K. Fischer, 'Elizabeth Cary and Tyranny, Domestic and Religious', in *Silent But for the Word*, ed. by Hannay, pp. 225-37; Dolan, "'Gentlemen,'"'. Alternatively, for critical accounts that view Mariam as a female rebel, see, for example, Betty S. Travitsky, 'The Feme [sic] Covert [sic] in Elizabeth Cary's *Mariam*', in *Ambiguous Realities: Women in the Middle Ages and Renaissance*, ed. by Carole Levin and Jeanie Watson (Detroit: Wayne State University Press, 1987), pp. 184-96; Belsey, *Subject of Tragedy*, pp. 171-75; Margaret Ferguson, 'The Spectre of Resistance', in *Staging the Renaissance: Reinterpretations of Elizabethan and Jacobean Drama*, ed. by David Scott Kastan and Peter Stallybrass (New York and London: Routledge, 1991), pp. 235-50; Barbara Kiefer Lewalski, 'Resisting Tyrants: Elizabeth Cary's Tragedy and History', in *Writing Women*, pp. 179-211; Karen Raber, *Dramatic Difference: Gender, Class and Genre in the Early Modern Closet Drama* (Newark: University of Delaware Press; London: Associated University Presses, 2001); Tina Krontiris, 'Noblewomen Dramatizing the Husband-Wife Conflict: Mary Herbert: Englishing a Purified Cleopatra; Elizabeth Cary: Idealizing and Victimizing the Transgressor', in Tina Krontiris, *Oppositional Voices: Women as Writers and Translators of Literature in the English Renaissance* (London and New York: Routledge, 1992), pp. 63-101 (pp. 81-91).

<sup>3</sup> Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, V.90. See in this context Ephesians 5:23, AV; 1 Corinthians 11:3, AV; '[S]olemnization of Matrimonie', in *Book of Common Prayer*, sigs Z<sup>v</sup>-Aa<sup>v</sup> (sig. Aa<sup>v</sup>).

Mosaic laws, illegal adultery, Mariam is constructed, by Herod at least, as a criminal. The question of divorce has received scant critical attention, while the question of female criminalization has received none at all, whether in relation to the *Tragedy* as a whole or specifically to Mariam.

This chapter suggests two related shifts of critical perspective. First, it focuses on the dramatisation of an important secular area in the *Tragedy*: the questions of early modern women, divorce, and the criminalization of women in this context. The *Tragedy* explores women's rights to a divorce, their various legal positions in relation to divorce, and some of the possible outcomes of divorce for women from a predominantly female perspective. At the same time, it explores the problematic dimensions to these positions by examining some of the ways in which women could be constructed as criminal within them. Secondly, this chapter explores Mariam's dynamic relationships with, rather than her opposition to, the *Tragedy*'s other characters. The extent of the *Tragedy*'s engagement with the questions of women, divorce and female criminalization only becomes apparent when Mariam is seen in conjunction with the drama's other characters, most notably Salome (Mariam's sister-in-law), Doris (Herod's first wife) and Herod (Mariam's husband).<sup>4</sup>

Accordingly, I will illustrate that when the *Tragedy* is seen in the context of women, divorce, and criminalization in the early seventeenth century, two things become evident: the *Tragedy*'s dramatisation of the problematic questions of women, divorce and criminalization, as well as the significance of Cary's generic choice of a closet drama. I will then show that Salome, Doris, Mariam, and Herod occupy four main positions in relation to divorce in the *Tragedy*. On the one hand, Salome and Doris respectively embody the arguments for and against divorce. On the other hand, Mariam and Herod respectively embody the grounds upon which spouses could legally sue for divorce; an adulterous wife and a violent, life-threatening husband. Cary, however, problematises the position of each character by suggesting that each character could be constructed as criminal, which results in the *Tragedy*'s ultimate moral and philosophical

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<sup>4</sup> This is not to say that the other characters, such as Constabarus (Salome's current husband), Pheroras (Salome and Herod's brother), Graphina (Pheroras' new wife) and Alexandra (Mariam's mother) do not also contribute to the debate on divorce in the *Tragedy*. However, since the four central positions on divorce are occupied by Salome, Doris, Mariam, and Herod, I shall focus on them, while referring to the other characters at the appropriate junctures in the chapter.

ambiguity on the complex questions of women, divorce, and the criminalization of women.

### ***VI.1. Early Modern Divorce, Women, Criminalization, and The Tragedy of Mariam***

Lady Elizabeth Cary's *Tragedy of Mariam* dramatises the questions of the relationship of early modern women to divorce as well as the potential criminalization of women in this context. Hitherto, critical discussions of the play's engagement with divorce have been generally restricted to Salome as the most obvious proponent of a woman's right to a divorce.<sup>5</sup> However, Cary's engagement with the questions of women and divorce as well as women's potential criminalization in this context is more complex than has been recognised. Such dramatic engagement is not restricted to Salome. This becomes evident when the *Tragedy* is seen in the broader context of seventeenth-century divorce. Accordingly, this section focuses on the following: the divorce laws, the grounds upon which divorce could be sued for, the nature of the accusations made in divorce cases, and the debate over whether adultery should be made a felony in early seventeenth-century England, paying particular attention to the positions of women in these contexts. It then shows the extent to which the *Tragedy* engages with these issues and demonstrates that the generic characteristics of the *Tragedy* as a closet drama facilitate the *Tragedy*'s examinations of the questions of women, divorce, and criminalization.

In her recent study of divorce in early modern England, *Domestic Dangers*, Laura Gowing shows that by the early seventeenth century, unlike other Protestant countries, England had not substantially changed its pre-

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<sup>5</sup> One notable exception to this critical trend is Barry Weller and Margaret Ferguson's critical introduction to their recent edition of the *Tragedy*. See Barry Weller and Margaret Ferguson, 'The "Social Text" of Henry VIII's Divorce', in 'Introduction', in *Elizabeth Cary, Lady Falkland. The Tragedy of Mariam, The Fair Queen of Jewry with The Lady Falkland; Her Life, By One Of Her Daughters*, ed. by Barry Weller and Margaret W. Ferguson (Berkeley and Los Angeles, California: University of California Press; London: University of California Press, Ltd., 1994), pp. 1-59 (pp. 30-35). According to Weller and Ferguson, the *Tragedy* is 'explicitly concerned with the legitimacy of divorce' (ibid., p. 30). However, while they consider Mariam in this context, in their account, Mariam ultimately emerges "virtuous" (ibid., p. 35); Mariam exemplifies the alternative strategy of 'principled disobedience' within marriage to Salome's 'lustful [...] villain[y]' and desire for divorce (ibid.).



Reformation divorce laws despite the theological and legal debates surrounding them.<sup>6</sup> A divorce would only be granted by the ecclesiastical courts on the grounds of a wife's adultery or a husband's life-threatening violence. When a divorce was granted, it was an ecclesiastically sanctioned separation; a husband and wife's 'judicial separation[...], "from bed and board"'.<sup>7</sup> The couple were allowed to live separately but neither had permission to remarry. Re-marriage was only permitted in the case of the death of one of the spouses.

As Gowing's study shows, three aspects of early modern divorce proceedings made them difficult: the elusive nature of the required physical evidence for substantiating claims of adultery and life-threatening violence, the possibility of counter-accusations, and the accusations themselves. And not surprisingly, these proceedings were particularly difficult and dangerous for women. While it was difficult to provide evidence of either a wife's adultery or a husband's life-threatening violence, it was much more difficult for a wife to present incontrovertible physical evidence of sustained abuse. Secondly, the one accusation frequently elicited the other. A wife's accusation of her husband's life-threatening violence made her vulnerable to the more easily substantiated counter-accusation of adultery. On the other hand, a wife's counter-accusation of violence was not only more difficult to prove but was seen as a legal strategy rather than a fact-based accusation. And, thirdly, despite their apparent clarity, the accusations of adultery and violence were problematic and complicated by their connection to other disorderly, and sometimes criminal, spousal behaviour.

Gowing demonstrates that spousal accusations of adultery and violence were problematic since they blurred the lines between the public and the private spheres. In such stories,

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<sup>6</sup> Gowing, *Domestic Dangers*, pp. 180-1. Henry VIII's highly public and publicised divorce from Katherine of Aragon did not impact significantly on English divorce law and divorce remained the exception rather than the rule.

<sup>7</sup> *Ibid.*, p. 181. Divorce and the grounds upon which it was granted are distinct from annulment and the grounds upon which it could be granted. As Gowing illustrates, annulments would only be granted in cases where 'bigamy, precontract [*sic*], non-consumation, forced marriage, or the minority of either partner' could be proved (*ibid.*).

[...] the contours of privacy and publicity in the marital household are contestable. Houses and marriages were at once public and private space, the scene of both social and intimate relationships.<sup>8</sup>

By formally accusing a spouse of either adultery or violence, the private marital relationship moved into the public sphere of the courtroom. For women, this blurring was particularly significant since such accusations brought women's words, words that should, according to early modern gender norms, remain in the private domestic sphere, into the public sphere of the court. In making accusations or counter-accusations in court, a woman transgressed the model of female behaviour of being 'chaste, silent, and obedient'. And, secondly, a woman's public words in court in early modern divorce proceedings carried considerable legal importance and could influence the outcome of the cases. As we have already seen, a woman's words played a crucial role in validating or undermining her legal position in the courtroom, since words were inextricably linked to a woman's reputation; to constructions of her body *as* her situation and therefore to constructions of her subjectivity.

More dangerously still for women, accusations of adultery and violence evolved out of, or potentially generated, other equally problematic and, in some cases, criminal, spousal behaviour. Most obviously, accusations of adultery and violence evolved out of disorderly physical acts perpetrated by the spouse in question which impacted on the body of the other spouse. A violent husband physically abused his wife's body while an adulterous wife physically abused her husband's body, since according to religious doctrine, husband and wife constituted an organic entity. Secondly, such physical acts could, and in many cases did, result in other physical disruptions in the household. As Gowing shows, one common outcome of accusations of either adultery or violence was the allegedly criminal removal or destruction of household goods.<sup>9</sup> And, finally, as Gowing points out, adultery and violence were sources of considerable early modern anxiety since they might result in other crimes.<sup>10</sup> A violent husband

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<sup>8</sup> Ibid., p. 216.

<sup>9</sup> Ibid., pp. 211-15.

<sup>10</sup> Ibid., pp. 201-06.

could murder his wife and commit manslaughter.<sup>11</sup> Alternatively, an adulterous wife could murder her husband and thus commit petty treason, which was the more serious crime. Furthermore, an adulterous wife could employ the services of her lover to assist her, a fear exacerbated by the possibility that the lover might be a servant. Such a combination resulted in a double count of petty treason. Moreover, a wife's adultery might also impact on the children; a wife's adultery raised the spectre of foisting illegitimate children on her husband.

Perhaps the most dangerous aspect of the accusation of adultery for women in early seventeenth-century divorce cases was, however, the contemporary debate over the felonious status of adultery. As Keith Thomas illustrates in his essay, 'The Puritans and Adultery', adultery aroused considerable theological, philosophical, political and legislative debate from the early sixteenth century that culminated in the 1650 Act that made adultery a felony: a crime that carried capital punishment.<sup>12</sup> As Thomas also shows, a significant element in this debate was the frequent citation by the pro-felonisation lobby of Mosaic laws: the laws of the Old Testament, which punished adultery by death. Consequently, in the early seventeenth-century, although adultery was not technically a felony, the two were associated with each other. Prior to 1650 and its felonisation, adultery was, nevertheless, seen as a crime since it was viewed as sinful and unnatural, as well as a disorderly social act. It was tried by the ecclesiastical courts and was usually punished by a fine.<sup>13</sup> But, while both women and men could be tried and punished for adultery in the ecclesiastical courts, in divorce cases, adultery emerges as a specifically female crime, since women could not use their husband's adultery as grounds for a divorce.<sup>14</sup>

In early seventeenth-century England, then, divorce involved considerable unresolved debate and anxiety. Furthermore, it posed a dangerous

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<sup>11</sup> As Frances Dolan notes in *Dangerous Familiars*, although the murder of a wife was popularly referred to as petty tyranny, it was legally viewed as manslaughter. See Dolan, *Dangerous Familiars*, p. 90.

<sup>12</sup> Thomas, 'Puritans and Adultery'.

<sup>13</sup> The punishments for adultery could also entail public contrition in church or carting; the adulterer or adulteress was attached to a cart, which was driven through the village or town to its centre, while the offender was whipped or pelted by members of the community.

<sup>14</sup> While there was considerable contemporary debate over the limits of a wife's reasonable chastisement, there was no serious consideration of legislating against a husband's violent treatment of his wife.

area for women, because of the precarious legal positions they occupied in this context and the association of female adultery with crimes such as petty treason. When Cary's *Tragedy* as a whole is seen in this context, the extent of its dramatic engagement with these issues from a predominantly female perspective becomes apparent. First, three out of the five female characters in the *Tragedy* are unhappy wives. Salome is married to Constabarus but wishes to marry Silleus and Mariam is married to Herod but wishes to be separated from him. Doris is also an unhappy wife, for, although Herod has divorced her, Doris still sees herself as Herod's rightful wife. Secondly, the *Tragedy* presents various assessments of the justice of divorce according to Mosaic laws. Salome argues against the injustice and misogyny of the Mosaic laws governing divorce, while Doris demonstrates the injustices and misery of the position of a divorced wife under Mosaic laws as well as the impact of divorce on children. On the other hand, Mariam problematically advocates divorce according to Mosaic laws. Thirdly, the *Tragedy* dramatises the legal grounds of early modern English divorce in Mariam and Herod since each of them occupies the positions of both the innocent and guilty parties in divorce proceedings. On the one hand, Mariam's life is twice threatened by her violent husband; Herod twice leaves instructions for Mariam's execution in the event of his own death. On the other hand, Mariam is constructed by Herod and the Chorus as an adulteress. Similarly, Herod occupies the position of a cuckolded husband; he believes Mariam has committed adultery and has contemplated his murder with a servant. At the same time, in having Mariam executed without fair trial, Herod is a life-threatening husband who ultimately murders his wife. Fourthly, the *Tragedy* dramatises some of the most significant early modern fears surrounding adulterous wives and violent husbands. Mariam, for example, embodies fears of an adulterous wife who might commit petty treason and disorder the social hierarchy by employing a servant to assist her. Salome, on the other hand, is the adulterous wife who has not only committed petty treason once and gone unpunished, but who is also contemplating committing petty treason again. In its dramatisation of divorce according to Mosaic laws, the early modern English grounds for divorce, and, fears regarding adulterous wives and violent husbands, the *Tragedy* also highlights the questions of potential and actual female criminality, particularly in the cases of Salome as murderess and Mariam as

adulteress. Importantly too, although the *Tragedy* addresses these issues from a predominantly female perspective, it does not present a proto-feminist defence of women or a critique of women's potential or actual criminalization in the context of divorce. All the women in the play are at odds with another; indeed, even Alexandra finally abandons her daughter, Mariam, to save herself. The *Tragedy*, therefore, does not present its reader with a community of women pitted against the injustices of patriarchal law.

Cary's *Tragedy*, therefore, can be seen to engage with the complex contemporary questions of women, divorce and criminalization. Its engagement with these issues is both emphasised and facilitated by some of its most important generic characteristics as a closet drama; its engagement with an 'issue[...] of public morality',<sup>15</sup> its identification of its 'problem' at its outset,<sup>16</sup> its blurring of the public and private spheres, and, its emphasis on speech. Cary's explorations are also facilitated through the temporal and geographical displacements that result from her choice of pre-Christian Palestine as the setting for the play.

One important characteristic of closet dramas is, as Elaine Beilin points out, their 'impersonality'.<sup>17</sup> Having been '[i]nfluenced by "English Seneca" and French [Robert] Garnier, English closet drama usually concerned issues of public morality, treated philosophically, didactically, or politically'.<sup>18</sup> As Cary's critics frequently elucidate, one of the central 'issues of public morality' the *Tragedy* addresses is domestic tyranny within marriage and the resultant 'battle[s]' that occur within it.<sup>19</sup> Indeed, critics identify marriage as the *Tragedy*'s primary framework for its problematisation of the relationships between subjective freedom, conformity, and disobedience. However, as Gowing demonstrates, 'it was as marriages came apart [in the early modern period] that the precise implications of [the] meanings [of marriage] emerged most starkly'.<sup>20</sup> Furthermore, while marriage was certainly a debated question of public morality

<sup>15</sup> Beilin, note '4', in 'Notes to Chapter Six', in *Redeeming Eve*, p. 313.

<sup>16</sup> James Fitzmaurice, and others, eds, 'Elizabeth Cary, Viscountess Falkland (1585?-1639)', in *Major Women Writers of Seventeenth-Century England* (Ann Arbor: The University of Michigan Press, 1997), pp. 47-108 (p. 47).

<sup>17</sup> Beilin, 'Making of a Female Hero', p. 153.

<sup>18</sup> Beilin, note '4'.

<sup>19</sup> Respectively: *ibid.*, and Beilin, 'Making of a Female Hero', p. 167.

<sup>20</sup> Gowing, *Domestic Dangers*, p. 180.

in the early seventeenth-century, divorce was an equally, if not more, important and debated question of public morality. It is not unreasonable to suggest, therefore, that while critics rightly suggest that the *Tragedy* examines the meanings and values among subjective freedom, conformity, and disobedience, the *Tragedy* does so at the point at which these relationships are most clearly contested, the point at which marriage breaks down entirely.

This suggestion is supported by another aspect of the *Tragedy* as a closet drama. As James Fitzmaurice *et al* note, the *Tragedy* is '[...] primarily intellectual [...] rather than dramatic, as [it] initiate[s] a problem at the beginning, which is then debated at length by the various characters in long verse declamations [...]'.<sup>21</sup> The *Tragedy* clearly 'initiate[s]' its engagement with the 'problem' of women and divorce, rather than women and marriage, in Mariam's opening soliloquy in Act I.<sup>22</sup> In her soliloquy, the problem that Mariam presents is that of the breakdown of her marriage to Herod, that pre-dates the events of the *Tragedy*.<sup>23</sup> 'When Herod lived [...]',<sup>24</sup> Mariam had '[o]ft' 'wished' to be 'free' of Herod through his death.<sup>25</sup> Mariam's reiteration of her earlier desire for Herod's death is indicative of their unhappy marriage.<sup>26</sup> Mariam's desire is valid in early modern legal terms, since, as we have seen, the only legal way for a wife to be totally free of her husband is through his death. As Mariam explains, her previous desire for her complete separation was grounded in her 'rage and scorn' for Herod,<sup>27</sup> the transformation of her earlier 'love' to 'Hate',<sup>28</sup> and her inability to pay Herod his emotional dues as her husband.<sup>29</sup> Mariam, however, quickly exonerates herself; Herod himself was responsible for the change in Mariam's emotions. Paradoxically, by physically confining Mariam, Herod 'taught' Mariam 'to range' intellectually and emotionally.<sup>30</sup> Herod provided Mariam with the freedom to examine him as a husband, herself as his wife, and their marriage,

<sup>21</sup> Fitzmaurice, and others, eds, 'Elizabeth Cary', p. 47.

<sup>22</sup> *Ibid.*

<sup>23</sup> See Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, I.1-78.

<sup>24</sup> *Ibid.*, I.15.

<sup>25</sup> *Ibid.*, I.16.

<sup>26</sup> See *ibid.*, I.17-18.

<sup>27</sup> *Ibid.*, I.19.

<sup>28</sup> Respectively: *ibid.*, I.20 and I.21.

<sup>29</sup> See *ibid.*, I.22.

<sup>30</sup> *Ibid.*, I.26.

and she 'quickly learned'<sup>31</sup> '[t]o leave his love'.<sup>32</sup> However, while Mariam no longer loves her husband, she has not taken another man to her heart; her 'heart' was 'too chaste' for that.<sup>33</sup> In addition to demonstrating her chastity, Mariam's 'abhorre[nce]' towards taking another lover is important in legal terms.<sup>34</sup> As we have seen, the counter-accusation of adultery would seriously undermine a wife's legal position in early modern divorce proceedings.

In her opening soliloquy, then, Mariam not only positions herself as an unhappy, but chaste, wife who has long desired to be separated from her husband, but she also establishes the *Tragedy*'s 'problem' as a whole: the question of women and divorce.<sup>35</sup> This is not, however, the only generic characteristic that emphasises and facilitates the *Tragedy*'s examination. Indeed, as a closet drama, the *Tragedy* is generically suited to such an examination. As various critics have pointed out, closet dramas generically blur the lines between the public and private spheres in order to posit and explore their problems, and, divorce and accusations of adultery and violence do just that.<sup>36</sup> The *Tragedy* achieves this blurring immediately by beginning with a failed royal marriage; Herod and Mariam are the King and Queen of Judea. Additionally, Cary utilises the *Tragedy*'s blurring of the public and private spheres in conjunction with the *Tragedy*'s generic emphasis on speech to highlight and respond to the importance and problematic nature of women's words in the legal context of divorce proceedings. In this specific context, women's words are indices to women's bodies as their situations and their subjectivities. Throughout the *Tragedy*, two constant sources of contention and sites of anxiety are women's words and conversations; the words themselves, the places women utter them, the people women address, and the people who hear them doing so. The Butler's report of Mariam's private conversation with Sohemus that Herod interprets as 'criminal conversation', i.e. adultery, and which convinces Herod of her guilt is just one example of this.<sup>37</sup>

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<sup>31</sup> Ibid., I.30.

<sup>32</sup> Ibid., I.29.

<sup>33</sup> Ibid., I.27.

<sup>34</sup> Ibid., I.30.

<sup>35</sup> Fitzmaurice, and others, eds, 'Elizabeth Cary', p. 47.

<sup>36</sup> Indeed, as critics frequently point out, it is precisely this generic characteristic that allows Cary to engage simultaneously with the questions of domestic and political tyranny in the *Tragedy*.

<sup>37</sup> OED, 3.

The final characteristic of the *Tragedy* that facilitates Cary's exploration of the questions of women, divorce, and criminalization is the temporal and geographical displacement that results from Cary's choice of pre-Christian Jerusalem. Dympna Callaghan has recently argued that by employing a setting of racial otherness, Cary can safely interrogate early modern English notions of gender and female subjectivity.<sup>38</sup> I would like to add here that by locating the *Tragedy* in a non-English society which is governed by Mosaic laws, Cary can also examine the justice of Mosaic laws regarding divorce and adultery that are being lobbied for in early seventeenth-century England, and thus safely engage with a contentious contemporary 'issue of public morality'.<sup>39</sup>

In this way, the *Tragedy of Mariam* engages with the questions of women, divorce, and criminalization. The remainder of this chapter focuses on Cary's exploration of four positions in relation to divorce that are represented by Salome, Doris, Mariam, and Herod, as well as the ways in which Cary problematises the stance of each of these characters by suggesting ways in which they can all be constructed as criminalized, leaving the 'issues of public morality' that are raised in the *Tragedy* ambiguously unresolved.<sup>40</sup>

## **VI.2. Salome and Doris: Making the Case For and Against Divorce in *The Tragedy of Mariam*?**

Salome and Doris represent the two extreme arguments for and against divorce according to Mosaic laws. On the one hand, Salome passionately argues that Mosaic laws are unjust and misogynistic since they deny women the right to sue for a divorce if they are unhappily married but allow men to do so. On the other hand, Doris articulates the miseries of being a divorced wife, demonstrating the devastating impact divorce has on a wife. However, Salome and Doris's stances are problematised by their actions. Salome is an adulteress and a murderess, while Doris is neither entirely sympathetic nor convincing since she desires indiscriminate revenge. Moreover, Salome and Doris are further complicated by

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<sup>38</sup> Dympna Callaghan, 'Re-reading Elizabeth Cary's *The Tragedie of Mariam, Faire Queene of Jewry*', in *Women, "Race," and Writing in the Early Modern Period*, ed by Margo Hendricks and Patricia Parker (London and New York: Routledge, 1994), pp. 163-77.

<sup>39</sup> Beilin, note '4'.

<sup>40</sup> Ibid.



their similarities. Both Salome and Doris criticise the injustices perpetrated against women by Mosaic laws in the context of divorce. Salome and Doris also occupy the same legal space; neither of them is in a legal position to change her marital status. The following two sections illustrate Salome and Doris's arguments for and against divorce, while attending to Cary's problematisation of each argument.

### *VI.2.i. Salome: Making the Case For Divorce?*

Understandably, Salome has received considerably more critical attention than Doris, and critical assessments of her character vary considerably.<sup>41</sup> Such variety of critical assessments is generated by the opposing positions Salome occupies: she is a defender of women's moral rights but she is also a self-admitted criminal; she adopts a proto-feminist stance but she also espouses patriarchal views.<sup>42</sup> Salome, therefore, presents both early modern and twenty-first century readers with an interpretative conundrum.

Salome's first soliloquy in Act I, where she draws attention to her criminality, demonstrates this. Having just refuted Mariam's accusations of criminal behaviour, Salome upbraids herself for her hypocrisy and confesses to several counts of criminal behaviour.<sup>43</sup> She admits to both of her adulterous affairs, her previous crime of husband-murder and her plans to re-commit this crime.<sup>44</sup> Salome is clearly a type of female criminal feared by early modern English culture. Not only has she twice committed the sinful and unnatural act of adultery, but she has also committed the sinful, unnatural and illegal crime of petty treason, and plans to re-commit it. And, according to early modern English law and Mosaic laws, Salome deserves death. According to English law, Salome

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<sup>41</sup> See, for example, Belsey, *Subject of Tragedy*, pp. 174-75; Travitsky, 'Feme [sic] Covert [sic]', pp. 190-92; Cerasano and Wynne-Davies, 'Introduction', in *Renaissance Drama by Women*, pp. 43-47 (p. 46).

<sup>42</sup> Additionally, Salome is both outspoken and capable of self-restraint; this is made clear in Act I. On the one hand, during the heated exchange among Salome, Mariam, and Alexandra, Salome visibly restrains herself in her responses to Mariam and Alexandra's insults. Indeed, Salome's retorts are both calm and logical. On the other hand, during her exchange with Constabarus, Salome demonstrates that she is capable of speaking passionately and without reservation. See Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, I.207-60 and I.397-470.

<sup>43</sup> *Ibid.*, I.244, 246, and 249.

<sup>44</sup> *Ibid.*, I.285-90.

deserves death for committing, and plotting to commit, petty treason. According to Mosaic laws, Salome deserves death for her adulterous affairs.

Salome is both criminal and disruptive. More problematically for her early modern audience, Salome defends her actions in defending women's right to a divorce, which also identifies Salome as a proto-feminist.<sup>45</sup> Salome points out the injustice of Mosaic laws regarding divorce. As a husband, Constabarus is free to divorce Salome on a whim while she is barred from taking such legal action.<sup>46</sup> But, Salome's critique also applies to early modern English divorce law, since, as we have seen, a woman could only sue for a divorce on the grounds of violence. Salome, therefore, has no grounds in either legal framework to sue for a divorce. Salome's body *as* her situation, therefore, bars her from suing for a divorce under Mosaic laws because she is a woman, while the situation Salome's body is *in* bars her from suing for a divorce under English law since she is not married to a life-threatening husband. Nevertheless, Salome questions the justifications of Mosaic laws. Using arguments later employed in the 'pamphlet wars' of the 1610s, Salome questions the religious and natural grounds of the rationale of the laws that are premised on patriarchal assessments of women's bodies *as* their situations.<sup>47</sup> She asks rhetorically whether men are more divinely favoured than women because they are men, or whether the hatred of women is naturally lesser than that of men because they are women. Finding neither of these arguments convincing, Salome resolves on iconoclastic action that will free her and her entire 'sex'.<sup>48</sup>

Salome's defence of women is not unproblematic. In its larger context, Salome's speech implies that only women like Salome who are immoral or even criminal can contemplate such a course of action. Indeed, Salome could be convicted by either Mosaic or early modern English laws for her adultery. Equally though, there is a sense that only women who free themselves of the

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<sup>45</sup> Ibid., I.297-312.

<sup>46</sup> Ibid., I.301-04.

<sup>47</sup> I am referring to Joseph Swetnam's *Araignment* and the subsequent spate of pamphlets such as Speght's *Movzell for Melastomys*, Sowerham's *Ester hath hang'd Haman*, and Munda, *Worming of a mad Dogge* that followed the publication of Swetnam's attack.

<sup>48</sup> Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, I.310. Salome reiterates the injustice of the divorce laws in her summation of them to Silleus later in Act I: 'In this our land we have an ancient use / Permitted first by our law-giver's head [i.e. Moses]: / Who hates his wife, though for no just abuse, / May with a bill divorce her from his bed. / But in this custom women are not free' (ibid., I.333-37).

strictures of patriarchal values can think in such a liberated fashion. But even this reading is not clear-cut. Just what 'sin' will Salome 'purge' by making an 'offering': her crimes as she has already enumerated them, or her 'sin' in pursuing a divorce?<sup>49</sup> And what precisely will her 'offering' be and to whom will it be made?<sup>50</sup> Will her offering be to 'show [her] sex the way to freedom's door', thus placating her sex?<sup>51</sup> And again, what precisely does Salome mean by '[t]he law was made for none but who are poor'?<sup>52</sup> Is Salome suggesting that the law is only made for the lower classes while the aristocracy is above the law? Or is she suggesting that all women are legally impoverished through the erosion of their rights by the law based on their bodies *as* their situations?

The problematic nature of Salome's defence of divorce is not restricted to Salome's self-confessed criminality and the resultant ambiguity of her defence. It is further complicated by other characters' problematic reactions to and assessments of her, Salome's positive and negative comments on women, and, finally, her ultimate lack of pursuit of divorce and lack of punishment. In Act I, as Barry Weller and Margaret Ferguson note, Salome and the position she represents is complicated by Constabarus.<sup>53</sup> When Salome reiterates her intention to sue for a divorce, Constabarus is horrified. Not surprisingly, his reaction is typical of early modern responses to proposed changes in the patriarchal status quo. A world in which women could sue for a divorce would 'be topsy-turveyed quite',<sup>54</sup> 'women' would be 'transformed to men'.<sup>55</sup> This recalls early modern anxieties about unnatural transvestites and the possibility of sexual metamorphosis. Such a 'transform[ation]' would confuse sexes and genders and women and men's social roles would be re-written.<sup>56</sup> Women will 'fight' men's 'battles',<sup>57</sup> while men will 'spin or sew'<sup>58</sup> and be enslaved by women.<sup>59</sup>

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<sup>49</sup> Ibid., I.311.

<sup>50</sup> Ibid.

<sup>51</sup> Ibid., I.310.

<sup>52</sup> Ibid., I.312.

<sup>53</sup> Weller and Ferguson, 'Introduction', p. 40.

<sup>54</sup> Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, I.424. Once again, the language and images employed here foreshadow those used in the 'pamphlet wars' in the 1610s.

<sup>55</sup> Ibid., I.421.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid., I.422.

<sup>58</sup> Ibid., I.429.

<sup>59</sup> See *ibid.*, I.432.

As we have seen, such unnatural consequences are associated with illegal and sinful behaviour in the early modern mind. They are, therefore, to be expected of Salome, both in terms of her decision to break Mosaic laws in suing for a divorce and her established criminal subjectivity. However, Salome also embodies other early modern anxieties about criminals since her body *as* her situation provides no external evidence of her criminality. Echoing Matthew 23:27, Constabarus warns Silleus, Salome's lover, that Salome is 'a painted sepulchre'.<sup>60</sup> Although she is externally beautiful, Salome is 'vilely foul' within.<sup>61</sup> Constabarus expounds further upon Salome's unnaturalness, albeit somewhat indirectly, in his declamatory speech in Act IV, prior to his execution.<sup>62</sup> According to Constabarus, women's bodies *as* their situations identify them as sub-human 'creatures'.<sup>63</sup> Indeed, they are 'worse' than animals since women are cannibals and possess an 'unquenched thirst for human blood'.<sup>64</sup> And, in their unnaturalness, women are 'the wreck of order' and the 'breach of laws': divine, natural and human.<sup>65</sup> Constabarus' overall assessments of and reactions to Salome are undermined, however, by his own questionable morality. He openly admits to having occupied the situation Silleus is currently *in*: Constabarus was once Salome's adulterous lover and co-conspirator in the murder of her first husband.<sup>66</sup> If Salome is indictable for her actions, then so too is Constabarus; the validity of his criticisms of her cannot, therefore, be entirely endorsed by the reader.

Salome's problematic status continues in Act III. In Act I, in apparent female solidarity with other wives, she notes that, like her own, many women's marriages are miserable.<sup>67</sup> In Act III, however, Salome apparently reneges and argues instead for patriarchal standards. At the beginning of Act III, Pheroras, her and Herod's brother, informs her that he has married Graphina, a servant, for

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<sup>60</sup> *Ibid.*, II.325. Cf. Matthew 23:27, *AV*: 'Woe unto you, scribes and Pharisees, hypocrites! for ye are like unto whited sepulchres, which indeed appear beautiful outward, but are within full of dead men's bones, and of all uncleanness'. Cary's use of 'painted' rather than 'whited' suggests a further instance of Salome's criminalized status. As we have seen, cosmetics were seen by some writers as unnatural and sinful as well as a contravention of social laws. See my discussion of Tuke, *Treatise Against Paint[i]ng and Tinctvring*, in Chapter II.

<sup>61</sup> Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, II.326.

<sup>62</sup> See *ibid.*, IV.286-349.

<sup>63</sup> *Ibid.*, IV.314.

<sup>64</sup> Respectively: *ibid.*, IV.316 and IV.319.

<sup>65</sup> *Ibid.*, IV.331.

<sup>66</sup> See *ibid.*, I.461-64.

<sup>67</sup> See *ibid.*, I.435-36.

love. Salome's assessments of his marriage and of Graphina, however, are scathing and overtly patriarchal. Recalling injunctions in sermons and advice books on suitable espousal,<sup>68</sup> she states that Graphina is an entirely unsuitable spouse for Pheroras since her body *as* her situation is 'full of natural defects'.<sup>69</sup> First, her body *as* her situation defines her class; Graphina is 'of mean birth'.<sup>70</sup> Secondly, Graphina's body *as* her situation has neither 'beauty nor respects' to commend her.<sup>71</sup> Worse still, Graphina's mind is even 'meaner' than is to be expected of a woman of the working class.<sup>72</sup> Here, Salome's attitudes are at odds with the freedom she desires to exercise in her choice of spouse and love, as well as her previous decision to appropriate a similar freedom for other women through her actions. Interestingly, Graphina embodies the patriarchal values of 'chastity, silence, and obedience' in a woman; hence, Salome's rejection of her entails Salome's rejection of this model of female subjectivity.

A further complication in the assessment of Salome as a valid defender of women's right to a divorce is that she never actually carries it out. Before she can initiate the legal process, Herod returns. Consequently, Salome chooses the easier option of betraying her husband to Herod, knowing that Herod will have him executed. The question remains, therefore, whether Salome would have attempted to divorce Constabarus. In the world of the play, this possibility is never examined. Perhaps constrained by historical fact, perhaps unwilling to dramatise such a 'topsy-turveyed' world, Cary does not follow this trajectory through.<sup>73</sup> Possibly, Salome's petty treason would have been more acceptable to an early modern audience than her pursuit of divorce. At least husband-murder was a phenomenon that had its place in English law; a woman's desire for a divorce on the grounds of love did not. But, as critics point out, Salome is not punished for any of her crimes. Critics have suggested that Salome goes unpunished because, unlike Mariam's, Salome's disruptions occur in the private, rather than in the public, sphere. Such readings, however, ignore Constabarus' words to Salome in Act I. After seeing her with Silleus, Constabarus bewails her besmirched reputation since she is the subject of public gossip and her 'fame' is

<sup>68</sup> See *ibid.*, III.11-14.

<sup>69</sup> *Ibid.*, III.13. Graphina herself admits that she is a 'lowly handmaid[...]' (*ibid.*, II.70).

<sup>70</sup> *Ibid.*, III.12.

<sup>71</sup> *Ibid.*, III.11.

<sup>72</sup> *Ibid.*, III.12. See also *ibid.*, II.70.

<sup>73</sup> *Ibid.*, I.424.

anything but 'honest'.<sup>74</sup> Constabatur has '[oft] with a silent sorrow [...] heard / How ill Judea's mouth doth censure [her]'.<sup>75</sup> Knowledge of Salome's actions has filtered out of the private sphere and is now within the public domain where they and she are 'deserved[ly]' 'censure[d]'.<sup>76</sup> Salome's body *as* her situation, the situations *in* which she has already placed herself, as well as the future situation she has decided to place herself *in* with regards to divorce, all contribute to her construction as unnatural, sinful, and criminal.

In this way, Salome emerges as ambiguous, both in herself and in her views on divorce. For while some of Salome's articulations mark her as a proto-feminist defender of women's right to a divorce, her defence is complicated by her criminal subjectivity, other characters in the play, and by her ultimate fate. This moral and philosophical ambiguity is also true of Doris and the argument against divorce.

#### *VI.2.ii. Doris: Making the Case Against Divorce?*

As I have already noted, Doris has received even less critical attention than Salome; indeed, she is frequently omitted in critical assessments of the *Tragedy*.<sup>77</sup> When she is examined, she is usually either pitied or almost clinically analysed.<sup>78</sup> Given her few appearances in the *Tragedy*, such limited critical attention is understandable. In the current discussion, however, she is a powerful corrective to Salome. She is a living example of the injustice of Mosaic divorce laws and of a divorcee's misery; she dramatises women's problems after a divorce, and, as such, represents a strong anti-divorce argument. Equally importantly, she sheds light on the potential social stigma, if not the dubious legal status, of a woman who marries a divorced man. Nevertheless, as we have already seen with Salome, Doris is problematic. Her similarity to Salome complicates her position, while our sympathy for her and her argument is

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<sup>74</sup> Ibid., I.391.

<sup>75</sup> Ibid., I.387-88.

<sup>76</sup> Respectively: *ibid.*, I.393 and I.388.

<sup>77</sup> See, for example, Belsey, *Subject of Tragedy* and Fischer, 'Elizabeth Cary and Tyranny'.

<sup>78</sup> See, for example, Travitsky, 'Feme [sic] Covert [sic]', p. 188 and Lewalski, 'Resisting Tyrants', p. 196, respectively.

undermined by her consuming desire for revenge, her lack of compassion, and her murderous desires.

Significantly, although we do not meet Doris until Act II, she is present from the beginning. Early in Act I, Alexandra attempts to stop Mariam mourning Herod by reminding her daughter of Herod's inconstancy and ruthlessness, suggesting Herod might have re-instated Doris as his wife.<sup>79</sup> Still caught in conflicting emotions, Mariam dismisses Alexandra's suggestion, stating that Herod's love for Doris died long ago.<sup>80</sup> Furthermore, Mariam implies that Herod would never treat her as he treated Doris because Herod desired that his sons 'descend from royal line'.<sup>81</sup> Mariam's precise attitudes towards Doris, though, are obfuscated by ambiguous syntax.<sup>82</sup> There is a sense that Mariam pities Doris, but Mariam also appears defensive. Additionally, Mariam demonstrates her obvious pride in her royal descent, suggesting her sense of the superiority of her body *as* her situation over that of Doris.<sup>83</sup>

This exchange between Mariam and Alexandra is important as it foregrounds the precarious position of married women under Mosaic laws, pointing to the ease with which wives can be legally disposed of and replaced. It also implicitly critiques the laws by portraying Herod's reasons for divorcing Doris as purely politically opportunistic. Herod is motivated to have legitimate heirs to Solomon's throne. This exchange, therefore, raises another crucial question about one of the outcomes of divorce: the legitimacy of offspring of first and subsequent marriages. Consequently, the introduction of Doris at this early stage invites comparisons between the situation Doris is *in* as the divorced wife and the situation Mariam is *in* as the second wife with respect to the legitimacy and implications of their statuses.

Not surprisingly, Doris herself makes these comparisons and articulates such implications in her speeches in Acts II and IV. These speeches present a divorced wife's perspective on her divorced husband, his second wife, and the

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<sup>79</sup> See Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, I.127-30.

<sup>80</sup> See *ibid.*, I.131-34.

<sup>81</sup> *Ibid.*, I.138.

<sup>82</sup> See *ibid.*, I.133-34.

<sup>83</sup> Mariam's sense of racial superiority is clearly articulated later in Act I in her diatribe against Salome: '[...] / My birth thy baser birth so far excelled / I had to both of you [i.e. Salome and Herod] the princess been. / Thou parti-Jew and parti-Edomite, / Thou mongrel, issued from rejected race!' (*ibid.*, I.233-36).

impact of divorce on the children of both marriages. In Act II,<sup>84</sup> Doris vacillates between mulling over the past and her son's future as Herod's 'right begotten son'.<sup>85</sup> Although Doris still sees herself as Herod's lawful wife and refutes the validity of her divorce,<sup>86</sup> she has been devastated by it, describing herself variously as 'hapless', 'miserable' and 'despised'.<sup>87</sup> Indeed, Doris seems to live her present by re-living her past.<sup>88</sup> Tellingly, before Herod became the king of Judea, Doris's body *as* her situation, her youth, beauty, class and race,<sup>89</sup> made her a suitable wife for Herod's 'private life'.<sup>90</sup> However, after Herod became king and once the situation *in* which his body was placed changed, Herod needed a wife who would consolidate his claim, as well as that of his heirs, to the throne; a wife whose body *as* her situation was superior to that of Doris. Doris was displaced, therefore, by 'Mariam's purer cheek',<sup>91</sup> by Mariam's body *as* her situation and her pure physical descent from 'Hyracanus, the rightful king and priest' of the Jews.<sup>92</sup> As the prefacing 'Argument' shows, Mariam's primary attraction for Herod is her 'high blood'; her 'singular beauty' is an additional bonus.<sup>93</sup> Like Graphina, Doris has committed 'no just abuse' other than possessing a particular body *as* her situation, and yet Mosaic laws have allowed her husband to divorce her.<sup>94</sup> At this point, however, Doris's laments give way to a vengeful tirade, thus undermining any sympathy for her that may have been generated up to this point.<sup>95</sup> Her primary object of bitterness is not Herod, though; it is Mariam. Ironically, it is not Mariam's desired death that Doris has been granted, but her 'whilom lord[']s'.<sup>96</sup> Somewhat perversely, there is a suggestion that Doris still loves Herod. If this is true, it lends a degree of

<sup>84</sup> See *ibid.*, II.215-70 and II.279-84. Alternatively, in Act IV, Doris focuses on Mariam; the woman she holds responsible for the collapse of her marriage, counter-balancing her speech in Act II.

<sup>85</sup> *Ibid.*, II.231.

<sup>86</sup> See *ibid.*, II.216. Doris is not alone in this opinion. In the midst of his proposal to Graphina in Act II prior to Doris's entrance, Pheroras refers to Doris. Doris, states Pheroras, was Herod's 'lawful wife' who was 'displace[d]' by her husband in order for him to marry the woman that he loved (*ibid.*, II.32).

<sup>87</sup> Respectively: *ibid.*, II.232, II.268, and II.266.

<sup>88</sup> See *ibid.*, II.233-50.

<sup>89</sup> See *ibid.*, II.233-44.

<sup>90</sup> *Ibid.*, II.234.

<sup>91</sup> *Ibid.*, II.223.

<sup>92</sup> Cary, 'The Argument', in *Tragedy*, ed. by Cerasano and Wynne-Davies, pp. 49-50 (p. 49).

<sup>93</sup> *Ibid.*

<sup>94</sup> *Ibid.*, I.335.

<sup>95</sup> *Ibid.*, II.247-54.

<sup>96</sup> *Ibid.*, II.254.



masochism to the conclusion of her speech.<sup>97</sup> She still hopes that if Herod is alive, he might relent against his son, Antipater, even if he never relents against her. In this way, Doris ends her speech by demonstrating the devastating effects that divorce can have on a woman. Doris has reduced her subjectivity, in her own view, to her body *as* her situation and its biological function as child-bearer.<sup>98</sup> If Herod will re-instate and legitimise Antipater, Doris will mutely accept all the wrongs that Herod has perpetrated against her. And while there is no suggestion that Doris will forgive and forget, she is willing to accept Herod's cruelty for her son's sake.

In Act II, although Doris refers to Mariam's children as 'bastards', she does not refer to Mariam as an adulteress or to her in the context of adultery directly.<sup>99</sup> In Act IV, however, when Doris sees Mariam face to face in prison, Doris explicitly accuses her of adultery.<sup>100</sup> She gloatingly remarks that Mariam's beauty cannot save her, nor can any other aspect of her body *as* her situation. In fact, according to Doris, the situation *in* which Mariam has placed her body by marrying Herod has already damned her. As 'Herod's lawful wife',<sup>101</sup> Doris sees Mariam as an adulteress and her marriage to Herod as 'adultery'.<sup>102</sup> And, therefore, for Doris, Mariam's 'soul is black and spotted, full of sin'; Mariam is a damned sinner.<sup>103</sup> As Dympna Callaghan points out, Doris is not entirely unjustified in viewing Mariam as an adulteress. Moreover, Callaghan notes that 'Doris's case against Mariam as the "other woman" is actually quite strong, and for a Renaissance audience, the outrageous cultural otherness of such marriage practices might well have sullied Mariam's protestations about her spotless virtue'.<sup>104</sup>

<sup>97</sup> Ibid., II.262-70.

<sup>98</sup> In her essay 'Re-reading', Callaghan reads Doris differently on this point. She states that Doris and Alexandra 'are so preoccupied with the advancement of their children that they become de-sexualized mothers' (ibid., p. 173). However, while it is true that Doris, like Alexandra, sees herself and constructs her subjectivity primarily in maternal terms, this is not a process of total 'de-sexualiz[ation]' (ibid.). Rather, it is a process of Doris limiting her sexuality and subjectivity to her reproductive ability. Moreover, in view of Doris's earlier suggestion that she still loves Herod, sexual desire cannot be entirely excluded from an account of Doris's subjectivity.

<sup>99</sup> Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, II.256.

<sup>100</sup> See ibid., IV.576-77 and IV.582-85.

<sup>101</sup> Ibid., IV.583.

<sup>102</sup> Ibid., IV.576 and IV.577.

<sup>103</sup> Ibid., IV.575.

<sup>104</sup> Callaghan, 'Re-reading', p. 177. Although Callaghan does not engage with Doris in detail, she recognises the fact that Doris problematises the reader's assessment of Mariam (see ibid., pp.176-77).

Two things are of particular interest here: Doris's equation of Mariam as an adulteress with Mariam as a thief and Mariam's response. Doris repeatedly claims that Mariam has 'robbed' her.<sup>105</sup> In early modern English didactic literature, adultery is frequently posited as theft.<sup>106</sup> However, it is the adulterer, not the adulteress, who is the posited as the 'needlesse theiefe [*sic*]', while the wronged husband is posited as the victim of theft.<sup>107</sup> In Doris's assessment of Mariam's adulterous marriage, the roles are reversed. It is Mariam the adulteress who has committed robbery and it is Doris the wronged wife who has been robbed.<sup>108</sup> This emphasises the more general portrayal of a lack of a community of women in the context of divorce in the play, as well as situating Mariam in the additional criminal context of theft. Mariam responds to this by upholding the male-biased Mosaic divorce laws that Doris and Salome have already critiqued.<sup>109</sup> Understandably, in defence of her marriage's legitimacy, Mariam omits the point that both Salome and Doris make: the injustice of the laws. As we have seen, both Salome and Doris criticise the legal permission granted to men to divorce their wives simply because they no longer love them. Mariam, on the other hand, merely refers to a husband's 'deadly hate', omitting the fact that this hate may be unjustified.<sup>110</sup> In doing so, Mariam is upholding patriarchal norms. This is not, however, the first time that she does so. In her opening soliloquy in Act I, Mariam accuses herself of inconstancy because of her 'sex', while just prior to her defence of her marriage to Doris, in her soliloquy, Mariam evinces further patriarchal attitudes in her identification of a woman's need for humility.<sup>111</sup> Collectively, these instances of Mariam's conformity to patriarchal norms further complicate our assessment of her. Indeed, Mariam's citation of Mosaic laws is all the more curious as these laws have condemned her to death for adultery, suggesting Mariam's acceptance of her guilt. In placing Doris and Mariam in direct confrontation, the *Tragedy* presents two embodied opposing

<sup>105</sup> Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, IV.585. See also *ibid.*, II.224.

<sup>106</sup> See, for example, John Dod and Robert Cleaver, *A Plaine And familiar Exposition of the Ten Commaundements* (London, 1605).

<sup>107</sup> *Ibid.*, p. 284: sig. Z6<sup>v</sup>. See also *ibid.*, p. 285: sig. Z7<sup>r</sup>.

<sup>108</sup> In a different context, Herod also accuses Mariam of theft: 'Where couldst thou get thy stars that served for eyes / Except by *theft*, and *theft* is a foul disgrace [*italics mine*]' (Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, IV.219-20).

<sup>109</sup> *Ibid.*, IV.586-89.

<sup>110</sup> *Ibid.*, IV.587.

<sup>111</sup> *Ibid.*, I.7.

stances towards the same laws: the critical and the justificatory. The reader is also presented with several ways of viewing Mariam's marriage and Mariam herself.

Mariam's omission of the legal latitude towards men spurs Doris into further retaliation. And, once again, Doris ironically lists the wrongs that she has done Herod. Nevertheless, although this speech should generate sympathy for Doris, it does not; Doris's parting comments are focused on revenge. Doris tells Mariam that she has long desired that Mariam get her just deserts. But now, Doris is not content with revenge being visited on Mariam alone; Doris now directs it against Mariam's children. The sins of the mother, not the father, must be visited on the sons. Doris's vitriolic attack on Mariam's children undercuts the reader's sympathy for Doris, but it also undermines the reader's view of Mariam. Mariam's final earthly wish before she bids it farewell is that she 'hope[s] the world shall see / This curse of [Doris] shall be returned on [her]'.<sup>112</sup>

Doris both generates sympathy in the reader for the situation *in* which she has been unwillingly placed by Herod, while simultaneously distancing the reader in her unrelenting desire for revenge and criminal murderous intentions. In this sense, Doris functions in the same way that the problematic Salome does. Both characters present alternative views on the question of divorce, but neither presents a wholly convincing case. As with Salome, although in many ways Doris makes the anti-divorce case by illustrating the miseries of being placed *in* the situation a divorced wife, the *Tragedy* provides sufficient grounds to criticise Doris that undermine the philosophical and moral stances that she propounds. Most importantly however, Salome and Doris collectively complicate our assessment of Mariam. They present valid arguments on the injustice of the divorce laws that Mariam upholds to justify her position. Individually, Salome and Doris also draw attention to Mariam's less attractive qualities: Mariam's arrogance, lack of tolerance, quick temper, and self-righteousness. Moreover, when Mariam is viewed in the context of divorce, both Salome and Doris throw the problematic nature of the accusation of adultery levelled at Mariam into relief; the extent to which Mariam is guilty of adultery.

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<sup>112</sup> Ibid., IV.624-25.

### **VI.3. Mariam and Herod: The Adulterous Wife and the Violent Husband in The Tragedy of Mariam?**

As I have argued, Salome and Doris represent two problematic arguments for and against divorce in the *Tragedy*. However, this is not the extent of the *Tragedy's* engagement with the questions of divorce, women, and criminalization. The play also dramatises the grounds for divorce in early modern England in Mariam as the life-threatened wife and Herod as the cuckolded husband. Like Salome and Doris, however, Mariam and Herod's positions are complicated in the *Tragedy*. Mariam's position as the life-threatened wife is compromised by the *Tragedy's* questioning of whether adultery is purely physical betrayal or whether it can also be emotional and intellectual betrayal, as well as whether the latter entails or results in the former. Similarly, Herod's position as a violent husband is complicated by the *Tragedy's* suggestion of justifications for Herod. Furthermore, through its dramatisation of the grounds of divorce, the *Tragedy* also addresses early modern concerns regarding the accusations of adultery and violence. The play blurs the distinction between the public and private spheres by dramatising the breakdown of a royal marriage. It also highlights the physical dimensions to the crimes of adultery and life-threatening violence in its construction of both Mariam and Herod's subjectivity, while simultaneously highlighting the physical disruptions such accusations could cause in Mariam's abstention of conjugal life and Herod's imprisonment of her. Equally, the *Tragedy* attends to the importance, and dangers, of women's words in the context of divorce; the deceptive nature of words, the perceived relationship among a woman's words, her reputation and constructions of her body as her situation and thus her subjectivity, as well as the destructive potential of words. Furthermore, the *Tragedy* dramatises two physically disruptive outcomes accusations of adultery and violence could have: Mariam's execution and Herod's subsequent descent into melancholy and madness. At the same time, Mariam's execution and Herod's mental deterioration can also be seen as the *Tragedy's* literal dramatisation of the irreversibility of divorce. Moreover, in engaging with these issues, the play addresses early modern concerns regarding adulterous wives and violent husbands. These aspects result in the moral and

philosophical ambiguity of the play on the questions of divorce, women, and criminalization.

### VI.3.i. *Mariam: The Adulterous Wife?*

Mariam is almost always seen by critics in the religious and secular contexts of a proto-Christian martyr and a female rebel against patriarchal tyranny in the political and domestic spheres. I have also noted that Mariam's involvement with the question of divorce is rarely critically addressed, while the questions of Mariam's adultery and culpability are almost always ignored, dismissed as unjust, or mitigated.<sup>113</sup> Such critical assessments, however, ignore three aspects of the *Tragedy*: the fact that Mariam finds herself *in* two possible situations that a woman could occupy in early modern divorce proceedings, the *Tragedy*'s ambivalent definition of adultery, and the importance of women's words in the context of divorce. Accordingly, I will examine the complicated construction of Mariam in the play and the ultimate ambiguity regarding both Mariam's subjectivity and her positions in relation to divorce and adultery.

Mariam's opening soliloquy in Act I signals the general engagement of the *Tragedy* with the question of divorce as well as Mariam's position as an unhappy, divorce-desiring wife. According to early modern English law, Mariam is *in* a legally tenable situation. Herod, as Mariam herself knows and, crucially, can prove, is not only a violent murderer, but has twice threatened Mariam's life.<sup>114</sup> Sohemus and previously Joseph, Salome's first husband, have both informed Mariam of Herod's 'strict and private commandment that if he were

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<sup>113</sup> See, for example, Beilin, 'Making of a Female Hero', p. 173; Lewalski, 'Resisting Tyrants', pp. 196, 198, and 200; Travitsky, '*Feme [sic] Covert [sic]*', p. 189; Fischer, 'Elizabeth Cary and Tyranny', pp. 232-33. Even in the two notable exceptions to this critical trend, Francis Dolan's comments in *Dangerous Familiars*, and Callaghan's essay, 'Re-Reading', Mariam is ultimately exonerated. Dolan describes the accusations of adultery as 'false charges' (Dolan, *Dangerous Familiars*, p. 116) while Callaghan identifies Mariam as 'physically virtuous' (Callaghan, 'Re-reading', p. 176).

<sup>114</sup> Both the prefacing 'Argument' and Mariam herself inform the reader that Herod has had her grandfather, Hyrcanus, and her brother, Aristobolus, murdered. See Cary, 'The Argument', in *Tragedy*, ed. by Cerasano and Wynne-Davies, p. 49, and Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, I.39-40 and I.43-46.

slain, [Mariam] should be put to death'.<sup>115</sup> Mariam's speech is complicated by her apparent sorrow at Herod's death, but Mariam mourns the demise of her love for Herod before the breakdown of their marriage.<sup>116</sup> Moreover, Mariam can be generous to Herod, since, she believes herself a widow. When critics engage with the question of Mariam's resistance within marriage, they do not note that in Act I Mariam understands her situation to be that of a widow. What Mariam says in Act I must necessarily be seen in this context since Herod's death affects both her body *as* her situation and the situations *in* which her body finds itself. Mariam's status as a widow as opposed to her status as a wife is also an important distinction to make in early modern legal terms. Indeed, the extent to which Mariam's emotions here are influenced by her widowhood is emphasised by her later reaction in to the news of Herod's safe return. In Act III, Mariam realises that her previous 'passion' was 'feigned',<sup>117</sup> and that she was 'an hypocrite'.<sup>118</sup> Mariam's feelings for Herod are based entirely on her assessment of her body *as* her situation and the situation she is *in*. As soon as Mariam realises her life is again threatened, her love reverts to 'hate'.<sup>119</sup> And, in a radical move, Mariam 'forsw[ears] [Herod's] bed',<sup>120</sup> she intends to permanently divorce herself from Herod's "bed and board".<sup>121</sup>

Mariam's legally valid position as a life-threatened wife is, however, almost immediately problematised by Salome. And, in doing so, the *Tragedy* raises the question of the problematic and dangerous relationship between a woman's words, her body *as* her situation and subjectivity in the context of divorce. Upon Salome's entrance in Act I, Mariam attacks Salome's lowly status and immorality, culminating in accusations of criminal 'black acts', including petty treason.<sup>122</sup> Having remained notably calm and rational, Salome retaliates by justifying her fatal betrayal of Josephus as loyalty to her brother and king, Herod. Additionally, however, Salome accuses Mariam of treason and implicitly accuses

<sup>115</sup> Cary, 'The Argument', in *Tragedy*, ed. by Cerasano and Wynne-Davies, p. 49. See also Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, I.47-50. According to Mosaic laws, Mariam, like Salome and Doris has no legal grounds for a divorce.

<sup>116</sup> See *ibid.*, I.31-33.

<sup>117</sup> *Ibid.*, I.74.

<sup>118</sup> *Ibid.*, III.152.

<sup>119</sup> *Ibid.*, III.138.

<sup>120</sup> *Ibid.*, III.134.

<sup>121</sup> Gowing, *Domestic Dangers*, p. 181.

<sup>122</sup> Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, I.244.

Mariam of adultery with Josephus. It was not, claims Salome, she who 'meant [...] a traitor to conceal' and who 'plot[ted]' with him but Mariam, significantly introducing Mariam's possible guilt.<sup>123</sup> Predictably, Mariam's response is defensive and accusatory, claiming that Salome's accusations are 'slander' against her '[...]chast[ity]'.<sup>124</sup> In doing so, Mariam highlights the early modern connection between a woman's words, her body *as* her situation and her innocence or guilt. In the context of slander, a woman's words are almost inextricable from her subjectivity. More importantly, we have seen that slander is based on a woman's sexual, and therefore physical, impurity.<sup>125</sup> Understandably then, Mariam emphasises her physical chastity to emphasise her innocence.<sup>126</sup> And, she does so by discrediting Salome's words as 'slander', as well as accusing Salome of unchastity.<sup>127</sup> Mariam's emphasis, however, is also dangerous since Salome has already called Mariam's innocence, and therefore Mariam's words and body, into question. Consequently, at this early point, the *Tragedy* does two things that impact on its construction of Mariam. It both establishes and destabilises Mariam as the wronged wife, and it highlights the important relationship between a woman's words, her body and subjectivity.

It is in Act III, though, that these two aspects, and their complex relationship, can be most clearly seen. It is at the precise moment that Mariam as a wronged wife decides to divorce her husband in order to preserve her physical and spiritual chastity that she becomes an adulterous wife. And, significantly, Mariam's ultimately fatal transition is engendered by her words. At the end of Act III, Mariam declares her radical and unshakeable resolve to 'forsw[ear] [Herod's] bed'<sup>128</sup> and "'board'".<sup>129</sup> And, it is in the interests of preserving her

<sup>123</sup> Respectively: *ibid.*, I.249 and I.247.

<sup>124</sup> *Ibid.*, I.258. Mariam suggests that it is Salome's own guilty conscience that has prompted Salome's accusations against her. Mariam constructs this in terms of a maternal relationship: 'Self-guilt hath ever been Suspicion's mother', or in other words, in terms of female physicality (*ibid.*, I.253).

<sup>125</sup> See my discussion of slander in Chapter I.

<sup>126</sup> This is the third time in Act I that Mariam stresses the importance of her physical purity and chastity. She has emphasised to the reader that her 'heart' was 'too chaste a scholar' to love a man other than her husband, and has also made this clear to her mother (*ibid.*, I.27). Responding to Alexandra's pandering suggestion that Mariam could have occupied Cleopatra's place in Anthony's affections, Mariam rejects the very thought, stating that 'With purest body will [she] press [her] tomb' (*ibid.*, I.201).

<sup>127</sup> *Ibid.*, I.258. Mariam's counter-accusation of Salome's unchastity is in keeping with historical evidence of defamation cases. Such a counter-accusation was a significant action for a slandered woman to take who wished to clear her name.

<sup>128</sup> *Ibid.*, III.134.

physical chastity, and therefore the integrity of her subjectivity, that Mariam decides on such physical separation. Mariam knows that she could combine her physical charms and 'gentle word[s]' to 'enchain' Herod and avert any danger.<sup>130</sup> However, she rejects this and 'scorn[s]' that her body should ever knowingly and dishonestly mislead a man by setting forth false 'meaning[s]'.<sup>131</sup> She refuses to trade on her body *as* her situation or her words.<sup>132</sup> Moreover, she views such innocence as her defence. The combination of the purity of her body *as* her situation and her verbal purity physical will translate onto her 'spirit' and encompass her entire subjectivity.<sup>133</sup>

However, Mariam's very articulation of her strategy to preserve her innocence compromises it. Crucially, it is not what Mariam says but to whom and the situation *in* which she chooses to do so. Mariam's innocence is not compromised by undermining Herod as a man and as her husband by demonstrating his weaknesses, nor is it compromised by her decision, contrary to Mosaic laws and disturbingly like Salome, to divorce Herod. Mariam compromises her innocence and lays herself open to the charge of adultery by articulating her personal thoughts in private to Sohemus, a man other than her husband who is also, insultingly, her husband's servant. This is made clear by the Chorus in its commentary on Mariam's behaviour and, in doing so, presents the *Tragedy's* most significant problematisation of Mariam; the question of the nature of adultery.<sup>134</sup>

In its Act III speech, the Chorus articulates a highly restricted and misogynist view of a woman's subjectivity within marriage.<sup>135</sup> According to the Chorus, marriage for a woman entails her complete relinquishing of her body and her mind to her husband. Simultaneously, the Chorus demonstrates the close

<sup>129</sup> Gowing, *Domestic Dangers*, p. 181.

<sup>130</sup> Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, III.164 and III.163, respectively.

<sup>131</sup> Respectively: *ibid.*, III.165 and III.166.

<sup>132</sup> Mariam reiterates this to Herod later in Act IV when he asks why she does not appear happy to see him. See *ibid.*, IV.144-45.

<sup>133</sup> *Ibid.*, III.178.

<sup>134</sup> The question of adultery is not the only way in which in the *Tragedy* problematises Mariam. For example, as I have already noted, Mariam's similarity to Salome is problematic, while Doris questions Mariam's legitimacy as Herod's wife.

<sup>135</sup> See *ibid.*, III.215-50. Although I focus on the reaction of the Chorus here, Sohemus also registers the problematic nature of Mariam's declaration of her decision to divorce Herod to him (see *ibid.*, III.181-84). Although Sohemus views Mariam as 'guiltless', he does not specify of what, thus leaving the question of Mariam's guiltlessness open to interpretation. And, even though Sohemus does not believe that Mariam should be punished for her speech, he notes that Mariam's '[u]nbridled speech' is a 'disgrace' that 'will endanger her' (*ibid.*, III.183-84).



association between a woman's words and her body. A woman's words do not just define who she is, but what she is; her words define her physical, moral and social existence. Consequently, if a wife's mind is not 'peculiar', or private, it is not 'chaste';<sup>136</sup> a wife's 'common mind' is just as reprehensible as a wife's 'common body'.<sup>137</sup> In other words, according to the Chorus, intellectual and emotional betrayal constitutes a type of adultery. It is for making her thoughts 'public' and 'common' to a man other than her husband, therefore, that the Chorus censures Mariam.<sup>138</sup> The content of these thoughts is immaterial; the mere act of articulating them outside the marital context constitutes unchaste behaviour and is synonymous with adultery, which, according to Mosaic laws, is a crime punishable by death.<sup>139</sup>

Critics frequently note that the Chorus represents one point of view and that its criticisms of Mariam should not be taken as the *Tragedy's*, or indeed Elizabeth Cary's, comment on Mariam's behaviour. But, while this is true, it also true that the connection that the Chorus establishes between Mariam's words and her body forms the basis of Herod's criminalization of Mariam for adultery in Act IV. Critics have argued that Mariam's defiant private speech to her husband causes her tragic undoing.<sup>140</sup> However, it is not Mariam's private speech with Herod that leads to her death, but her private speech with Sohemus and how this reflects on her body *as* her situation and her subjectivity.<sup>141</sup> Before arriving at

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<sup>136</sup> Ibid., III.242.

<sup>137</sup> Ibid., III.244.

<sup>138</sup> Respectively: *ibid.*, III.240 and III.244.

<sup>139</sup> Despite its misogyny, the Chorus does, in fact, offer some sound early modern legal advice to women. It is not enough for a woman to be chaste, she also has to appear chaste (see *ibid.*, III.215-17). As Laura Gowing shows, the suspicion of adultery was enough to warrant divorce proceedings since the evidence required could be highly circumstantial (Gowing, *Domestic Dangers*, p. 184). Consequently, when the Butler accuses Mariam of adultery in Act IV, it could be substantiated in an early modern court of law. Furthermore, the advice of the Chorus is in keeping with contemporary didactic literature. As Gowing shows, contemporary cautionary tales stressed that their female readers should 'not so much [...] be chaste, as to appear so; public knowledge of a woman's unchastity is as dangerous as the sin itself' (*ibid.*, p. 192).

<sup>140</sup> See Lewalski, 'Resisting Tyrants'; Belsey, *Subject of Tragedy*; Ferguson, 'Spectre of Resistance'. I would also add here that the division that these critics establish between Mariam's public and private speech is somewhat problematic. These critics rightly note that Herod is both Mariam's monarch and husband, which is one of the aspects of the *Tragedy* that enables its simultaneous examination of political and domestic tyranny. It should follow therefore, that any speech between Mariam and Herod takes place in both the public and the private spheres, since Herod represents both.

<sup>141</sup> Indeed, immediately prior to the Butler's entry, although Mariam is being defiant, Herod does not appear to be on the verge of punishing his wife. In fact, he seems more concerned with defending his position and regaining Mariam's affection. See Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, IV.150-57.

this point, though, Herod contributes to the *Tragedy*'s ambiguous assessment of Mariam as an adulteress and the nature of adultery by vacillating between identifying Mariam's adultery as emotional and intellectual betrayal and physical betrayal, while highlighting the connection between verbal and physical betrayal present in the early modern understanding of adultery as 'criminal conversation'.<sup>142</sup>

Herod's initial interpretation of Mariam's conversation with Sohemus is ambiguous. He suggests that, in order for their adulterous and treasonous verbal exchange to take place, Mariam must have necessarily been physically unchaste with Sohemus.<sup>143</sup> Initially too, Herod apparently views Mariam's betrayal in terms of the common seventeenth-century adulterous wife scenario; in addition to breaking her marriage vow with Sohemus, Mariam has conspired to murder her husband. Indeed, she has also conspired to murder her king. As far as Herod is concerned then, Mariam is guilty of attempted petty treason and attempted regicide, as well as adultery.<sup>144</sup> However, echoing the Chorus, Herod then identifies Mariam's betrayal as intellectual.<sup>145</sup> Mariam shall 'die' for her 'impure [...] mind'.<sup>146</sup> Almost immediately though, Herod returns to Mariam's body. Her actions have, for Herod, 'stain[ed]' her 'perfect[...]' body;<sup>147</sup> her verbal betrayal results in the defilement of her body *as* her situation.<sup>148</sup> Finally, Herod concludes that Mariam's unchaste speech is the source of her criminal adultery and has necessarily defiled her body; Mariam is 'unchaste [...]' since '[her] mouth will open to every stranger's ear'.<sup>149</sup>

In her final soliloquy of the *Tragedy* in Act IV uttered in prison, Mariam recognises the crucial connection between her words, her body *as* her situation and the construction of her subjectivity as innocent or guilty.<sup>150</sup> Nevertheless, the *Tragedy*, typically, does not provide closure for either Mariam or the reader. Articulating a view contrary to the one she adopts at the end of Act III, Mariam admits that she had assumed that her body alone could save her, but that she now

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<sup>142</sup> OED, 3.

<sup>143</sup> Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, IV.178-81.

<sup>144</sup> Ibid., IV.182-83.

<sup>145</sup> See *ibid.*, IV.189-91.

<sup>146</sup> Respectively: *ibid.*, IV.191 and IV.190.

<sup>147</sup> Respectively: *ibid.*, IV.198 and IV.199.

<sup>148</sup> Ibid., IV.200-05.

<sup>149</sup> Respectively: *ibid.*, IV.432 and IV.433.

<sup>150</sup> See *ibid.*, IV.524-73.

recognises this was foolish and vain. She now says that she believed that her physical beauty would ultimately assuage Herod's violent propensities. At the same time though, she now realises that in a world in which women's words are as important as their bodies, physical chastity is not enough. A woman, Mariam concludes, must be chaste and humble; verbally, physically, and spiritually. Cary, however, does not allow Mariam to remain in the spiritual context but re-situates her in the transient context of adultery, divorce, and physical chastity. With Doris's entrance, Mariam, as we have already seen, is forced to defend herself against yet another charge of adultery, interestingly re-equating her chastity with her beauty.<sup>151</sup> Mariam problematically cites Mosaic law to justify her marriage to Herod as non-adulterous, suggesting the temporal value Mariam places on defending her body *as* her situation as innocent by defending the innocence of the situation *in* which she placed it by marrying a divorced man. Finally, in an un-Christian move, Mariam's last earthly wish is that Doris's curses on Mariam's children be visited on Doris.<sup>152</sup> This shift in Mariam's context from the religious to the transient secular context is highly significant. Not only is the final context in which we see Mariam that of divorce, female criminalization, and physicality, but it is also open-ended. Neither Doris nor Mariam changes her views and their conflicting meanings remain in contest until the end.

Even after death, Mariam remains problematic since her death is simultaneously unjust and justifiable. Herod himself signals the injustice of Mariam's execution in Act IV by referring to Mariam's impending death as 'murder'<sup>153</sup> and her executioner as her 'murderer'.<sup>154</sup> Furthermore, Cary emphasises the injustice of Mariam's death in the *Tragedy* by omitting the scene of her trial in Flavius Josephus's *Antiquities of the Jewes*; Cary's probable source.<sup>155</sup> Moreover, in terms of English law, in 1605, adultery was not a felony and, therefore, not punishable by death. On the other hand, however, Mariam's

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<sup>151</sup> Ibid., IV.581.

<sup>152</sup> This un-Christian attitude should, at the very least, be seen to complicate the view of Mariam as a Christian martyr.

<sup>153</sup> Ibid., IV.358 and IV.378.

<sup>154</sup> Ibid., IV.439.

<sup>155</sup> See Thomas Lodge, trans., *The Famous And Memorable Workes Of Iosephvs [Flavius]* (London, 1602), Book XV, pp. 382-411: sigs Mmv<sup>v</sup>-Ppij.<sup>r</sup> (pp. 382-399: sigs Mmv<sup>v</sup>-Ooij.<sup>r</sup>, particularly, pp. 398-99: sigs Ooj.<sup>v</sup>-Ooij.<sup>r</sup>).

execution is justifiable on two early modern English legal grounds: attempted regicide and attempted petty treason. As *The Lavves Resolutions* subsequently demonstrates in 1632, women could be, and were, executed for the attempted murder of their husbands.<sup>156</sup> By the same token, we have also seen that attempted regicides were subjected to the most serious judicial corporeal punishments.<sup>157</sup> In keeping with her royal status, however, Mariam is beheaded and Mariam's body as her situation is granted the situation *in* which she desired to place it at the beginning of the play; to be 'divided' from her 'head'.<sup>158</sup>

*The Tragedy of Mariam* does not provide its readers with a clear-cut assessment Mariam's innocence or guilt. And, by extension, it refuses to pass moral, political, or legal judgement on the questions of women, divorce, and criminalization. This ambiguity is furthered by Herod, to whom I shall now turn.

### VI.3.ii. Herod: The Violent Husband?

Predictably, Herod has been almost unanimously critically condemned for his violence and tyranny, both domestic and political. However, Herod and his violence are more complex and ambiguous than critics have recognised hitherto.<sup>159</sup> Indeed, in the current context, Herod, like Doris, represents an important part of the *Tragedy's* open-ended debate on divorce, women, and criminalization. Herod's previous threats on Mariam's life and her ultimate execution clearly mark Herod as a violent husband; the legal early modern grounds upon which Mariam could sue for a divorce. Herod is also constructed as a criminal in the *Tragedy* for his violence and murders. Nevertheless, in keeping with its ambiguity, the *Tragedy* suggests that Herod's physical violence

<sup>156</sup> E., *Lavves Resolutions*.

<sup>157</sup> The following account of attempted petty treason is included in *ibid.*, p. 208: sig. O8<sup>v</sup>: 'A woman compasseth with her Adulterer the death of her husband, they assailed him riding on the high way, beating, wounding, leauing him for dead, and then they fled: The husband got vp, leuied hue and cry, came before the Justices, they sent after the offenders [*sic*], which were gotten, arraigned, and the matter found by verdict, the adulterer was hanged, the woman burned to death, the husband liuing, voluntas reputabitur per facto, 15.E.2'.

<sup>158</sup> Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, V.90.

<sup>159</sup> See, for example, Beilin. 'Making of a Female Hero', pp. 165 and 167; Belsey, *Subject of Tragedy*, p. 171; Fischer, 'Elizabeth Cary and Tyranny', p. 232. One exception is Sandra Fischer's minor accession to Herod; Herod's love for Mariam is 'his only redeeming quality' (*ibid.*, p. 235), but it is also 'excessive, possessive, and uxorious [...]' (*ibid.*, pp. 235-36).

towards Mariam can be justified. If Mariam is seen as adulterous, then according to some early modern writers, she deserves some chastisement, while, according to Mosaic laws, she deserves death. Equally problematically, not only does Herod violently love Mariam, but her adultery can be seen to precipitate Herod's descent into melancholy and madness. Accordingly, this section examines Herod's problematic positions as the life-threatening husband as well as the devastated cuckold.

Although Herod is physically absent and presumed dead during the first three acts, he is, nevertheless, present from the beginning.<sup>160</sup> This is because the actions of the other characters are based upon the assumption of Herod's death and their subsequent release, as they note, from his cruelty. Alexandra provides the first and most extensive account of Herod's cruelty and criminality. Unlike her daughter, Alexandra has no reason to love Herod. Instead, she identifies him as murderous and monstrous; Herod is the 'murderer[...]' of her son, Aristobolus, and her father, Hyrcanus.<sup>161</sup> However, given Herod's physical lineage and, therefore, how his body *as* his situation informs his actions, this is to be expected. Herod is, states Alexandra, a 'Base Edomite, the damned Esau's heir[...]' and is, therefore, of a lesser physical and racial standing.<sup>162</sup> Herod's body *as* his situation determines his unnaturalness which manifests itself as cannibalism.<sup>163</sup> 'His cruel nature'<sup>164</sup> constantly 'thirsts for' human 'blood'.<sup>165</sup> Consequently, Herod has proven a 'fatal enemy to royal blood'.<sup>166</sup> Indeed, warns Alexandra, even Mariam, as she herself knows, is not safe from such criminal murderous violence, especially since Herod has already proved himself to be an 'unconstant' husband.<sup>167</sup> How then, asks Alexandra, can Mariam love such a criminal?

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<sup>160</sup> In this respect, Herod is similar to Doris. Although they are both present from the beginning of the *Tragedy*, they appear relatively late in the action. Herod is, however, much more prominent in the proceedings after his appearance than Doris is.

<sup>161</sup> Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, I.81.

<sup>162</sup> *Ibid.*, I.84. The members of the royal and ruling house of Jerusalem (i.e. Mariam's family) were the descendents of Jacob, who was traditionally seen as the founder of the Israelites. Herod, on the other hand, is a descendent of Esau, Jacob's elder brother who forfeited his birthright. As an Edomite, Herod is seen as a descendent of an inferior bloodline.

<sup>163</sup> Alexandra's use of monstrous cannibalism here pre-figures Constabarus' accusations of unnaturalness against women in Act IV.

<sup>164</sup> *Ibid.*, I.104.

<sup>165</sup> *Ibid.*, I.106.

<sup>166</sup> *Ibid.*, I.91.

<sup>167</sup> *Ibid.*, I.127.

Alexandra makes a chilling case against Herod not only as a criminal, but also as a life-threatening husband.<sup>168</sup> Nor is Alexandra the only person who is aware of Mariam's imminent danger as Herod's wife. Almost all the characters refer to Herod's cruelty, while Constabarus in particular expounds the jeopardy Mariam is in as Herod's wife.<sup>169</sup> As he notes, 'Though all Judea yield her innocent / [Mariam] often hath been near to punishment'.<sup>170</sup> The *Tragedy*'s consistent emphasis on Herod's violence, cruelty and life-threatening danger to Mariam reflects the accusations brought against violent husbands in early modern English courts, while providing the necessary proof for substantiating such accusations. Even more damning for Herod, until Act III, the *Tragedy* suggests the injustice of Herod's life-threatening violence towards Mariam. This too is in keeping with contemporary attitudes. Although a wife's 'reasonable chastisement' was not prohibited, such chastisement had to be justified as a means of correction for a wife's disorderly behaviour. Until the end of Act III, there is no solid evidence of Mariam's spousal disorder. Furthermore, even in popular culture, a husband's unjustified violence against his wife could be viewed as 'unacceptable tyranny', a view stressed in didactic literature.<sup>171</sup>

In this way, the *Tragedy* apparently vilifies, indeed criminalizes, Herod unreservedly. He is a murderous, violent life-threatening husband with no reasonable justification for being so. Typically, however, the play complicates Herod by suggesting at least two justifying grounds for Herod's violence towards Mariam: scolding and adultery. As Gowing illustrates, 'men's [marital] violence was [popularly] figured as a response to a very specific offence: scolding'.<sup>172</sup>

<sup>168</sup> The *Tragedy* complicates the reader's assessment of Alexandra and the position that she occupies in two ways. Alexandra confesses to her previous desire to prostitute both her daughter and son to Anthony. And, secondly, although violent husbands tended to create solidarity among women (see Gowing, *Domestic Dangers*, p. 217), Alexandra finally abandons her daughter. Nevertheless, Alexandra's problematic status does not mitigate Herod's offences as she lists them.

<sup>169</sup> Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, 1.491-92.

<sup>170</sup> *Ibid.*, 1.91-92.

<sup>171</sup> Gowing, *Domestic Dangers*, p. 207. One particularly interesting example of this can be found in Henry Goodcole, *The Adultrresses Funerall Day* (London, 1635). Although the wife in this account is guilty of attempted petty treason, Goodcole presents a highly sympathetic portrayal of the unreasonable and unjustifiable physical abuse that she suffered at the hands of her husband (see especially sig. B<sup>v</sup>). This pamphlet is of particular interest for several reasons. It is an exposition on the degrees of murder and a mini-treatise on poisoning. It also contains references to other crimes that go back as far as the case of Arden of Faversham, demonstrating the intertextuality of not only such literature, but of popular associations of such crimes.

<sup>172</sup> Gowing, *Domestic Dangers*, pp. 207-08.

And, Mariam is associated with scolding at least three times in the *Tragedy*. In Act III, in his reaction to Mariam's decision to divorce Herod, Sohemus refers to her 'unbridled' speech.<sup>173</sup> This recalls the scold's bridle, thus associating Mariam with another context of female crime that is specifically linked to female speech. Nor is Sohemus the only one to make this connection. In Act IV, Herod refers to Mariam's 'froward humour' in persisting in her repeated, and, as far as Herod is concerned, unjustified, accusations that he does not love her.<sup>174</sup> Earlier in Act I, Salome notes that Mariam's 'tongue [...] is [...] quickly moved', producing 'furnish words' in her 'choler'.<sup>175</sup> Even Mariam herself acknowledges that she has often 'with public voice run on'.<sup>176</sup>

It is, however, not for scolding that Herod kills Mariam, but adultery. According to Mosaic laws, the legal system in which the events of the *Tragedy* take place, the punishment for adultery is death. Since the *Tragedy* problematises the question of adultery, it is possible to view Mariam's conversation with Sohemus as adulterous. This renders Mariam guilty of emotional and intellectual adultery, which, in turn, incriminates her body. In this way, the *Tragedy* shifts the balance back towards Herod since this places him *in* the situation of a cuckolded husband who loves his wife, a situation that would have been familiar to the *Tragedy's* early modern audience. As Gowing demonstrates, in popular literature, '[t]he language of love articulated fears about [adulterous] women making fools of men or driving them mad[...].'<sup>177</sup> Whether or not a cuckolded husband was aware of his wife's adultery, a husband's love for his wife placed him at a serious disadvantage. The love of a cuckolded, but ignorant, husband for his adulterous wife would make a fool of him in society and, once he found out, it could even send him mad.

It is, therefore, Herod's violent love for Mariam and its violent consequences that represent the *Tragedy's* final complication of Herod.<sup>178</sup>

<sup>173</sup> Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, IV.183.

<sup>174</sup> *Ibid.*, IV.139. See also *ibid.*, IV.113-20.

<sup>175</sup> Respectively: *ibid.*, I.227, I.229, and I.228.

<sup>176</sup> *Ibid.*, I.1.

<sup>177</sup> Gowing, *Domestic Dangers*, p. 187.

<sup>178</sup> The violence of Herod's love is also interesting in generic terms. The closet drama does not present violence, but relates it. Consequently, we are not shown any of the executions that take place during the *Tragedy*. We are, however, shown the violence of Herod's emotions and its impact on him and Mariam.

Herod's emotional violence is introduced in the *Tragedy*'s 'Argument'.<sup>179</sup> His commands for Mariam's death are born 'out of a violent affection' for her.<sup>180</sup> Furthermore, Mariam is aware of this; she knows that 'It was for nought but *love* [*italics mine*]' that Herod commanded her death in the event of his own.<sup>181</sup> Indeed, Herod's violent love for Mariam is evident to other people. Although Alexandra, for example, refers to Herod's love as 'raging lunacy', she, nevertheless, registers the extent of Herod's passion.<sup>182</sup> More positively, Pheroras provides another account of Herod's passion in Act II to Graphina. His love was so great for Mariam that 'He, for his passion, Doris', 'his lawful wife', 'did remove'.<sup>183</sup>

Not surprisingly, however, Herod most immediately demonstrates his obsessive love for Mariam. In Act IV, on arriving in Jerusalem, Herod's first thoughts are of his reunion with Mariam. To be sure, Herod's speech is hyperbolic and in keeping with courtly love sentiments but it is also in keeping with Herod's characteristic violence, another conjunction that would have been familiar to the play's audience. As Robert Burton expounds in his *Anatomy of Melancholy* (1621), there is a definite cultural association between excessive love, physical violence, madness and melancholy.<sup>184</sup> Moreover, it was accepted that such emotions were not only grounded in the body *as* the individual's situation, but also had considerable physical ramifications. This too is ascertainable in Herod's speech. Although he is impatient to see Mariam, he recognises the wisdom in what he thinks has motivated her reticence. If, Herod states, Mariam were to suddenly appear, his 'sense' would be overwhelmed and be 'suffocate[d]' by the shock.<sup>185</sup> Herod's intense emotions would deprive him of reason, rendering him mad. In addition to illustrating Herod's violent emotions, this also illustrates Herod's emotional instability. This would also be recognised as symptomatic of Herod's excessive love for Mariam. Furthermore, it pre-

<sup>179</sup> See Cary, 'The Argument', in *Tragedy*, ed. by Cerasano and Wynne-Davies, p. 49.

<sup>180</sup> *Ibid.*

<sup>181</sup> Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, I.59.

<sup>182</sup> *Ibid.*, I.124.

<sup>183</sup> Respectively: *ibid.*, II.31, II.32, and II.31. Ironically, in demonstrating the lengths to which Herod went for Mariam, Pheroras undermines his own declaration of love to Graphina since Pheroras was not brave enough to do what Herod did; Pheroras was not brave enough to make Graphina his wife while Herod was alive.

<sup>184</sup> Robert Burton, *The Anatomy Of Melancholy* (Oxford, 1621).

<sup>185</sup> Cary, *Tragedy*, ed. by Cerasano and Wynne-Davies, IV.38.



figures Herod's vacillation over Mariam's death and his subsequent descent into melancholy and madness at the end of the *Tragedy*.

Immediately after Mariam's adultery is revealed, Herod demonstrates that his emotional violence conflicts with his predilection for physical violence. After the guards arrive to escort Mariam to prison, Herod changes his mind several times.<sup>186</sup> Herod's indecision continues until the end of Act IV and is aggravated by Salome's insidious reminders of Mariam's infidelity and criminality. Finally, Salome loses patience with Herod and identifies his rhapsodic descriptions of Mariam as insanity. According to Salome, Herod's 'thoughts do rave';<sup>187</sup> he should, therefore, 'speak of reason more, of Mariam less'.<sup>188</sup> Herod appears to be on the brink of madness.

By the end of Act V, the execution of Mariam and its fatal effect on their marital body do drive Herod mad. In having Mariam executed, Herod has effectively, in Pauline terms, separated his head from his body. Herod is physically incomplete and cannot, therefore, function normally. Herod's mind is so removed from physical reality that he contemplates an unnatural course of action. Referring obliquely to the 'art' of necromancy, Herod repeatedly asks Nuntio whether Mariam cannot be restored to life.<sup>189</sup> Herod then admits he is a 'vile monster' and a criminal; perfect justification for his subjects to depose him.<sup>190</sup> In fact, Herod is amazed that his subjects do not do precisely that. Having divided his body from his head, Herod cannot contemplate living any longer. His final thoughts are of his own death and of his epitaph which will commemorate his life not in terms of the many lives that he has taken, but in terms of the life he has taken as a violent husband. In killing Mariam, the *Tragedy* suggests Herod has effectively killed himself.

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<sup>186</sup> See *ibid.*, IV.234, IV.240-46, and IV.248-57.

<sup>187</sup> *Ibid.*, IV.452.

<sup>188</sup> *Ibid.*, IV.455.

<sup>189</sup> *Ibid.*, V.91. See also *ibid.*, V.87-89 and V.91-93.

<sup>190</sup> *Ibid.*, V.249.

#### VI.4. Conclusion

Elaine Beilin has suggested that in *The Tragedy of Mariam* 'personal connections seem to be involved both in the genesis of the work[...] and in the characterization of the protagonists'.<sup>191</sup> I have suggested here that perhaps one of Cary's 'personal connections' to the *Tragedy* is her interest in the question of divorce, women, and criminalization.<sup>192</sup> However, the *Tragedy*'s contradictory stances on these questions make it impossible to ascribe any of the views articulated in the play to Elizabeth Cary herself. Indeed, it would seem that such an ascription is unwise.

What can be ascribed to Elizabeth Cary's drama, however, is that although it does not employ many terms that are used in the context of criminalization, such as unnatural, monstrous, sinful, and illegal, the *Tragedy* draws heavily on the legal and cultural notions that inform early modern questions of women, divorce, and female criminalization. The *Tragedy* also attends to the significance of a woman's body *as* her situation and the situations *in* which it may be placed in the context of divorce, while exploring the dynamics among them and the contradictions that may arise from them. The views that Cary sets forth are, therefore, deeply ambiguous. That Cary does not ultimately validate any of the positions on divorce, adultery or female criminalization presented by the characters in the play should not be construed as evidence of Cary's lack of female sympathy. Rather, it should be seen as Cary's sensitivity and awareness of the complexity of the issues with which she is engaged. If *The Tragedy of Mariam* is seen as a dramatisation of divorce in the early modern period from a female perspective, Cary demonstrates an interest in a set of problems that her female contemporaries faced. In an ironic and tragic twist of fate, the *Tragedy of Mariam* engages philosophically with the very problems with which Cary herself would have to deal later in her life.

As we shall see in the next chapter, however, Cary is not the only early modern woman writer who addresses complex questions surrounding the criminalized female body and subjectivity in a work of fiction.

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<sup>191</sup> Beilin, 'Making of a Female Hero', p. 153.

<sup>192</sup> Ibid.

## CHAPTER VII:

### CRIMINAL(IZING) LOVE AND FEMALE LOVERS IN *THE FIRST PART OF THE COUNTESS OF MONTGOMERIES URANIA* (1621)

Hermophradite [*sic*] in show, in deed a monster  
As by thy words and works all men may conster  
Thy wrathfull spite conceived an Idell book  
Brought forth a foole which like the damme doth look  
[....]

(Denny, 'To Pamphilia [...]')<sup>1</sup>

As his vitriolic verses show, Lord Edward Denny's response to the publication of Lady Mary Wroth's *roman à clef*, *The First Part of the Countess of Montgomerie Urania* (1621), was far from favourable. In the early seventeenth century, Denny's verses were seen as his response to Wroth's apparent references in the *Urania* to his scandalous treatment of his daughter.<sup>2</sup> More recently, critics cite Denny's verses as evidence of the significance of Wroth's achievement as the first early modern female writer to publish an original romance in English. Articulating a widespread critical consensus, Helen Hackett remarks that contemporary censure of Wroth and the *Urania* was as much

<sup>1</sup> Edward, Lord Denny, 'To Pamphilia from the father-in-law of Seralius' as cited in *The Poems of Lady Mary Wroth*, ed. by Josephine A. Roberts (Baton Rouge and London: Louisiana State University Press, 1983), pp. 32-33 (p. 32).

<sup>2</sup> The episode in question concerns Sirelius, his wife, and his father-in-law (see Wroth, *Urania*, ed. by Roberts, Book IV, pp. 515-516) who have been identified as Lord James Hay, Lady Honora Hay and Lord Denny (see Paul Salzman, 'Contemporary References in Mary Wroth's *Urania*,' *Review of English Studies*, n.s., 29 (1978), 178-81). For a detailed account of the parallels between the *Urania* and other seventeenth-century documents as well as details of the scandal, see also Salzman, 'Contemporary References'. Helen Hackett has recently explained in her important study, *Women and Romance Fiction in the English Renaissance* (Cambridge: Cambridge University Press, 2000), that the *Urania* publicly embarrassed Denny on two fronts; it subjected Denny to the ridicule and censure of both James I and the reading public of the lower classes (*ibid.*, pp. 161-62). The scandalous affairs of other aristocrats such as Robert Carr, the Earl of Somerset, his notorious wife, Frances Howard, and Sir Thomas Overbury have also been identified in the *Urania*. See Josephine A. Roberts, 'Lady Mary Wroth's *Urania*: A Response to Jacobean Censorship', in *New Ways of Looking at Old Texts: Papers of the Renaissance English Text Society, 1985-1991*, ed. by W. Speed Hill, Medieval and Renaissance Texts and Studies, vol. 107 (Binghamton, New York: Medieval and Renaissance Texts and Studies in conjunction with Renaissance English Text Society, 1993), pp. 125-29. Lord Denny, however, was the only person to take public issue with Wroth. For early seventeenth-century references to both Denny's specific outrage and the general uproar surrounding Wroth and the publication of the *Urania*, see, John Chamberlain, '9 March, 1622', in *The Letters of John Chamberlain*, ed. by Norman Egbert McClure, *Memoirs of the American Philosophical Society*, XII, 2 vols (Philadelphia: The American Philosophical Society, 1939), II, pp. 425-27 (p. 427). For early seventeenth-century evidence supporting Chamberlain's view of Wroth and the *Urania*'s general censure, see Josephine A. Roberts, 'An Unpublished Literary Quarrel Concerning the Suppression of Mary Wroth's "Urania"', *Notes and Queries*, n. s., 24 (1977), pp. 532-35.

grounded in Wroth's 'traduce[ment]'<sup>3</sup> of members of the aristocracy as it was in the perceived impropriety of, and lack of precedence for, the publication of an original female-authored romance.<sup>4</sup> Such critics, however, have not explored the suggestion of criminalization in the passages in the *Urania* that offended Denny or in his response and how this might inform our understanding of the romance. In Book IV, Seralius' father-in-law is described as an 'ill nature[d]' 'unmerciful and unworthy father' who sinfully, unnaturally and illegally attempts to murder his own daughter.<sup>5</sup> In this way, he is identified as criminalized and it appears that Denny retaliates in a similar fashion. As Seralius' father-in-law, Denny refers to Wroth as Pamphilia in terms of unnaturalness and sinfulness. As a '[h]ermophradite [*sic*]', Wroth is demonstrably sexually deviant and her actions are accordingly 'monst[rous]'.<sup>6</sup> Furthermore, her sinful 'wrathfull spite' has engendered a child which 'look[s]' 'like [its] damme'.<sup>7</sup> In keeping with the early modern notion that a child inherited the negative traits of its mother, Denny implies that the *Urania* and its contents are just as sexually deviant, unnatural, and sinful as Wroth herself.<sup>8</sup>

Although Denny's response to the *Urania* is clearly informed by his public embarrassment and anger, his assessment of its unnatural and sinful contents is not unfounded. The *Urania* includes many episodes in which characters are identified as unnatural and sinful and in which such characters commit various crimes like attempted regicide, treason, and witchcraft. This chapter suggests that Wroth's portrayal of such characters and crimes in the *Urania* derives from her exploration of the complex and problematic

<sup>3</sup> *Letters of John Chamberlain*, ed. by McClure, p. 427.

<sup>4</sup> Helen Hackett, "'Yet Tell Me Some Such Fiction': Lady Mary Wroth's *Urania* and the 'Femininity' of Romance", in *Women, Texts and Histories*, ed. by Brant and Purkiss, pp. 39-68 (pp. 47-48).

<sup>5</sup> Wroth, *Urania*, ed. by Roberts, p. 516.

<sup>6</sup> Denny, 'To Pamphilia', as cited in *Poems*, ed. by Roberts, p. 32.

<sup>7</sup> *Ibid.*

<sup>8</sup> The subsequent epistolary exchange between Denny and Wroth in February and March 1621/2 supports this suggestion of the criminalizing nature of their recriminations. See 'Edward, Lord Denny to [Lady Mary Wrothe]', 'Lady Mary Wrothe to Lord [Denny]', and 'Edward, Lord Denny to [Lady Mary Wrothe]', in *Report on the Manuscripts of the Earl of Denbigh, preserved at Newnham Paddox, Warwickshire (Part V)*, Historical Manuscripts Commission (London: Stationery Office, 1911), pp. 3-4, 4, and 4, respectively. The general tenor of all three letters is that of a court of law. '[W]itnesses' are to be produced for the prosecution and the defence (*ibid.*, pp. 3 and 4); protestations of innocence are 'averred' by both parties (*ibid.*, p. 4); the veracity of accusations is denied. Furthermore, in his first letter, Denny refers to the damage done to his reputation as a biblical public execution by stoning. See 'Edward, Lord Denny to [Lady Mary Wrothe]', in *ibid.*, pp. 3-4, (p. 3).

relationships among love, crime, and physicality, particularly for women. This, in turn, contributes to the moral ambiguity of the romance. Recent critics, however, have not examined the former aspect of the *Urania*, while its moral ambiguity has received little attention since most critics have focused predominantly on the positive aspects of Wroth's achievement and the *Urania* itself.<sup>9</sup>

Accordingly, I will demonstrate that in order to engage with questions surrounding love, crime, and physicality in the *Urania*, Wroth constructs an alternative world in the *Urania* in which Love<sup>10</sup> and 'Loves-lawes' replace God, man, and nature and their laws.<sup>11</sup> I will then show that Wroth problematises Love and his supremacy in two ways. First, both Love and 'Loves-lawes' are repeatedly criminalized in the *Urania*.<sup>12</sup> And, secondly, Wroth explores some of the negative physical consequences that Love has for her female and male characters, which result in either the bodies of the characters *as* their situations being constructed in criminal terms, or in the bodies of the characters being placed *in* criminalizing situations and treated as criminals. Finally, I will focus on how Wroth constructs criminalized female subjectivity in this context; female lovers who commit crimes and female lovers who are criminalized because of Love.<sup>13</sup> Throughout, I will illustrate that Wroth is ambivalently engaged with the

<sup>9</sup> See, for example Elaine V. Beilin, 'Heroic Virtue: Mary Wroth's *Urania* and *Pamphilia to Amphilanthus*', in *Redeeming Eve*, pp. 208-43; Lewalski, 'Revising Genres and Claiming the Woman's Part: Mary Wroth's Oeuvre', in *Writing Women*, pp. 243-307. Three exceptions to this critical trend are Paul Salzman, 'The Strang[e] Constructions of Mary Wroth's *Urania*: Arcadian Romance and the Public Realm', in *English Renaissance Prose: History, Language and Politics*, ed. by Neil Rhodes, Medieval and Renaissance Texts and Studies, vol. 164 (Tempe, Arizona: Medieval and Renaissance Texts and Studies, 1997), pp. 109-24, Mary Ellen Lamb, *Gender and Authorship in the Sidney Circle* (Madison, Wisconsin and London: The University of Wisconsin Press, 1990), and Mary Villeponteaux, 'Poetry's Birth: The Maternal Subtext of Mary Wroth's *Pamphilia to Amphilanthus*', in *Pilgrimage for Love: Essays in Early Modern Literature in Honor [sic] of Josephine A. Roberts*, ed. by Sigrid King, Medieval and Renaissance Texts and Studies, vol. 213 (Tempe, Arizona: Arizona Center for Medieval and Renaissance Studies, 1999), pp. 163-75. Salzman and Lamb both comment on the ambiguity in the *Urania*, while Villeponteaux argues persuasively for the need to recognise the negativity in Wroth's sonnet sequence, *Pamphilia to Amphilanthus*, originally printed at the end of the *Urania*. Villeponteaux does not, however, examine the *Urania* from this perspective.

<sup>10</sup> Love is frequently personified throughout the *Urania* and emerges as one of the characters. I have, therefore, capitalised Love here and throughout this chapter in order to distinguish between Love as a character and the emotion of love.

<sup>11</sup> Wroth, *Urania*, ed. by Roberts, p. 616.

<sup>12</sup> Ibid.

<sup>13</sup> Wroth does include male characters who commit crimes or who are criminalized but she places greater emphasis on women and female subjectivity.

complex relationships among love, crime, and physicality which results in the overall moral ambiguity of the *Urania*.

### ***VII.1. Re-writing Romance: Love, Criminalization, and the Body in the Urania***

While Lady Mary Wroth's *Urania* can be described as a prose fiction and a *roman à clef*, most critics refer to it as a romance.<sup>14</sup> This is due to Wroth's unprecedented appropriation of a genre that is associated with women,<sup>15</sup> as well as her subversion of many of its traditions.<sup>16</sup> As critics have recently demonstrated, Wroth re-writes the romance in a variety of ways. Among her most important generic subversions in the *Urania* are her satire of 'stock conventions of chivalric fiction',<sup>17</sup> her shift from courtship to marriage,<sup>18</sup> her exploration of female, rather than male, heroism and constancy,<sup>19</sup> as well as her exploration of the 'destructive effects' of the romance traditions on women.<sup>20</sup>

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<sup>14</sup> See, for example: Jennifer Lee Carrell, 'A Pack of Lies in a Looking Glass: Lady Mary Wroth's *Urania* and the Magic Mirror of Romance', *Studies in English Literature*, 34 (1994), 79-107; Josephine A. Roberts, 'Labyrinths of Desire: Lady Mary Wroth's Reconstruction of Romance', *Women's Studies*, 19 (1991), 183-92; Carolyn Ruth Swift, 'Feminine Identity in Lady Mary Wroth's Romance *Urania*', in *Women in the Renaissance: Selections from English Literary Renaissance*, ed. by Kirby Farrell, Elizabeth H. Hageman and Arthur F. Kinney (Amherst: The University of Massachusetts Press, 1990), pp. 154-74.

<sup>15</sup> As has been frequently noted, the romance has been identified as a feminine genre because it is generally addressed to women and engages in matters perceived to be of female interest such as love and courtship. Patricia Parker notes in 'Literary Fat Ladies and the Generation of the Text', in *Feminism*, ed. by Hutson, pp. 249-85, that the romance was also identified as feminine since it displayed specifically negative feminine traits such as garrulity, seductiveness, and deceit. Moreover, it has been widely assumed that the writers of these texts produced them for a primarily female audience and that women constituted the main reading audience for these texts. Recently, however, in *Women and Romance Fiction*, Helen Hackett has questioned this assumption and has provided a corrective view to early modern women's relationship to the romance as readers as well as the representation of women in the romance by male writers.

<sup>16</sup> This critical consensus is also partly informed by the *Urania*'s clear literary affiliation to other romances among which Sir Philip Sidney's *The Countess of Pembroke's Arcadia* is the most obvious. See, for example, Josephine A. Roberts, 'Critical Introduction', in *Urania*, ed. by Roberts, pp. xv-civ (pp. xviii-xxxi). A considerable amount of scholarship has been devoted to the familial and literary relationships among Sidney, Wroth, and their texts. See, for example, Lamb, *Gender and Authorship*, and Maureen Quilligan, 'Lady Mary Wroth: Female Authority and the Family Romance', in *Unfolded Tales: Essays on Renaissance Romance*, ed. by George M. Logan and Gordon Teskey (Ithaca and London: Cornell University Press, 1989), pp. 257-80.

<sup>17</sup> Roberts, 'Critical Introduction', in *Urania*, ed. by Roberts, pp. xxii-xxiv.

<sup>18</sup> Salzman, *Critical History*, p. 141.

<sup>19</sup> For a general account of female heroism in the *Urania*, see, Lewalski, 'Revising Genres', pp. 269-76. For a specific account of heroic female constancy, see Beilin, 'Heroic Virtue', pp. 217-32.

<sup>20</sup> Swift, 'Feminine Identity', p. 171.

In the *Urania*, Wroth generically subverts the romance in another, hitherto unexamined, way: the centrality of Love.<sup>21</sup> As Helen Hackett illustrates in *Women and Romance Fiction*, although love is frequently a theme in early modern romances, love is not necessarily their primary concern.<sup>22</sup> In the *Urania*, however, Love emerges as not only the *Urania*'s main theme but as central to the world that Wroth constructs in the romance and, therefore, the framework within which the characters construct themselves and which informs their actions. In this way, the *Urania* is unique among early modern English romances. Wroth's centralisation of Love is, however, more than an instance of generic subversion; it is integral to Wroth's exploration of the problematically complex relationships among love, crime, and physicality, particularly for women.<sup>23</sup>

This section will demonstrate how Wroth constructs an alternative world in the *Urania* by substituting God, man, and nature, and their laws with Love and his laws. This substitution enables Wroth to re-define crimes and criminality in terms of Love and his laws. In doing so, Wroth can valorise types of loves and lovers that would be condemned in early seventeenth-century England. At the same time, this allows Wroth to problematise Love, his laws, and lovers by demonstrating ways in which they can commit sinful, illegal, and unnatural acts, particularly, in the world of the *Urania*, the crime of inconstancy. Finally, this section will illustrate how this substitution allows Wroth to focus on the body of

<sup>21</sup> In recent critical accounts, love emerges as subsidiary to other aspects of the *Urania* such as female heroism and constancy or alternatively male inconstancy and betrayal. See, for example, Lewalski, 'Revising Genres' and Beilin, 'Heroic Virtue'. This critical trend is surprising given the recognition of Wroth's contemporaries that both the *Urania* and her other works are preoccupied with love. See, for example, Sir Aston Cockayne, 'A Remedy of Love' as cited in Roberts, 'Unpublished Literary Quarrel', p. 534. See also Ben Jonson as cited in Cerasano and Wynne-Davies, 'Introduction', in *Renaissance Drama*, ed. by Cerasano and Wynne-Davies, pp. 91-95 (p. 92).

<sup>22</sup> Hackett, *Women and Romance Fiction*, p. 180.

<sup>23</sup> The question of Wroth's personal motivation for such a generic subversion of the romance is an interesting, although uncertain, one. Sharon Seelig has suggested that, in the early modern period, genre and generic style occupied a significant position as a structural relationship between the writer and his or her world view. Consequently, a writer's choice of genre was determined by, and an expression of, his or her "way of seeing and interpreting the world" (Ralph Cohen as cited in Sharon Cadman Seelig, *Generating Texts: The Progeny of Seventeenth-Century Prose* (Charlottesville and London: University Press of Virginia, 1996), p. 2). Given our biographical knowledge of Wroth's unhappy marriage and subsequent tumultuous affair with her married cousin William Herbert, the Earl of Pembroke, it is possible that Wroth's generic subversion of the romance was connected to her view and unhappy experience of love, courtship, and marriage. Such a suggestion, however, must be made cautiously and must remain a hypothesis pending the emergence of primary evidence.

the lover *as* a situation and *in* situations by attending to some of the negative physical consequences of Love.

*VII.1.i. Love, 'Loves-Lawes', and Criminalization*<sup>24</sup>

The correspondences between God, man, and nature, and their respective laws constitute a central intellectual framework in the early modern period in England which informs, among other things, the understanding of crime, the criminalized body and criminalized subjectivity. Throughout the *Urania*, however, Love replaces God, man, and nature; Love is the supreme deity, monarch, and natural state of man. Similarly, Love's laws either replace or take precedence over the laws of God, man, and nature; in the world of the *Urania* it is virtuous, lawful, and natural to love, even if loving contradicts the religious, social, and natural laws of seventeenth-century England. Axiomatically, if a crime is committed in the *Urania*, the crime and criminal are identified in terms of breaking Love's laws: sinfulness, illegality, and unnaturalness are identified in terms of their deviation from Love. In other words, Wroth creates an alternative religious, political, and natural system in the world of the *Urania* that mirrors the hierarchy, but not necessarily its values, that informs a wide variety of early modern English practices and institutions.

In the *Urania*, Love is frequently invoked as the supreme deity; the highest source of divine power and religious injunctions. Love is the 'more powerfull God' who offers 'salv[ation]' to his believers.<sup>25</sup> A clear exposition of Love's divine status is found in the appeal made by the Lord of Cephalonia's daughter and her beloved.<sup>26</sup> The two lovers are found together immediately after her marriage to a man she does not love, the Lord of Zante's son. Nevertheless, the lovers defend their love and their actions. They know they are 'offenders' 'to the law' of Man; they are technically adulterers since she is married.<sup>27</sup>

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<sup>24</sup> Wroth, *Urania*, ed. by Roberts, p. 616.

<sup>25</sup> Ibid., p. 26.

<sup>26</sup> See Wroth, *Urania*, ed. by Roberts, pp. 42-43. In terms of the central narratives of the *Urania* this tale is not particularly significant since its tragic outcomes do not impact on the lives of any of the major characters. It is, however, significant in terms of my current discussion of the alternative structure of the world of the *Urania*.

<sup>27</sup> Ibid., p. 42.



Consequently, their deaths would be, as they admit, 'just[ly] deserved.'<sup>28</sup> There is, however, a higher law to which they are 'faithfull and constant',<sup>29</sup> the law of 'Venus' or 'the law of love'.<sup>30</sup> According to these divine injunctions, they have committed no crime; indeed, the crime would be to kill them. Their blood would be an indelible 'foule [...] staine' and their deaths would constitute a religious 'sacrifice'.<sup>31</sup> This appeal demonstrates that Love, not God, is the supreme deity, it distinguishes the 'law of love' from the 'law' of Man, and it asserts the primacy of Love's laws.<sup>32</sup> Indeed, Wroth's employment of 'law', rather than 'power', is crucial since 'law' legitimises Love and indicates its position in the hierarchy that governs the world of the *Urania*.

Similarly, Love is frequently represented as an omnipotent monarch whose '[s]overaignty' is undisputed and who demands 'loyall subjection to his will'.<sup>33</sup> As Amphilanthus muses, for example, Love is the 'Prince' of hearts who rules over all, making 'Kings Forresters [*sic*], [and] Forresters [*sic*] Kings in happinesse'.<sup>34</sup> It is Love whom people 'petition',<sup>35</sup> 'beseech and beg',<sup>36</sup> since Love 'grant[s]'<sup>37</sup> or withholds bounty. Indeed, as Amphilanthus later illustrates immediately after his attempted assassination by Dolorindus, Love's monarchical dictates are always to be '[...]obeied [*sic*]'.<sup>38</sup> 'Love commanded' his 'subject' Dolorindus to take such action.<sup>39</sup> Had Dolorindus 'disobeied [*sic*]', he would have been guilty of 'treason' for 'refus[ing] to kill a traitor to [Love's] Crowne'.<sup>40</sup> Once again, Love is posited as supreme in terms of political power and human legislation. Love's laws in the *Urania* override man's laws in the world, redefining the nature of crime.

By the same token, Love is identified as the primeval force that shapes man's nature as a human being and his social relationships. Love 'ma[kes],

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<sup>28</sup> Ibid.

<sup>29</sup> Ibid., p. 43.

<sup>30</sup> Ibid., p. 42.

<sup>31</sup> Ibid. The equation between death-for-love and religious sacrifice is frequently made throughout the *Urania*.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid., p. 535.

<sup>34</sup> Ibid., p. 345.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid., p. 346.

<sup>37</sup> Ibid., p. 345.

<sup>38</sup> Ibid., p. 395.

<sup>39</sup> Ibid.

<sup>40</sup> Ibid.

maintain[s] [...] shape[s] and square[s]' people 'to his rule'.<sup>41</sup> Human beings are created, sustained, and moulded by Love. And, just as nature is commonly referred to in seventeenth-century literature as man's school-mistress, Love possesses a 'Schoole' in which he teaches the characters in the *Urania*.<sup>42</sup> Given that almost all the characters are in love, Love emerges as the normal, natural human state. This is clearly demonstrated in the Temple of Diana episode.<sup>43</sup> Here, Wroth describes the love of a wood nymph and a forester as 'pure', emphasising its innocence and naturalness.<sup>44</sup> The wood nymph is 'loving' and 'passionate', as well as 'timorous' and 'innocent'.<sup>45</sup> She presents an undeniably amorous model of love, but she has not been corrupted, as Wroth suggests, by knowledge; it is 'Nature', not custom or learning, that guides her responses.<sup>46</sup> Furthermore, Wroth emphasises the connections among Love, nature, and the naturalness of Love by situating this relationship in an idyllic pastoral setting.<sup>47</sup>

In the *Urania*, Wroth constructs an alternative world in which Love substitutes God, man, and nature, and in which Love's laws are supreme. Consequently, Love's laws override the laws in the real world which reveals the intimate connection between Love and crime, re-defining crime as a violation of Love's laws. These two consequences both valorise Love and contribute to the moral ambiguity of the *Urania* as the Tomb of Love episode exemplifies.<sup>48</sup> Here, two children are brought up together and later fall in love as young adults. Typically, however, there is a serious complication; they are, in fact, brother and sister, so their love is incestuous. What is notable here is not the constancy of the lovers, but Wroth's emphasis on the emotional and physical chastity of their love and its 'perfection'.<sup>49</sup> Even at the moment of their deaths, they have no physical contact with each other. As Josephine Roberts notes, Wroth's treatment of chaste

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<sup>41</sup> Ibid., p. 333.

<sup>42</sup> Ibid., p. 362.

<sup>43</sup> See *ibid.*, pp. 341-42.

<sup>44</sup> Ibid., p. 342.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Such incidents, however, are the exception rather than the rule in the *Urania*. The equation of Love and naturalness is more frequently made in negative terms; people who betray Love are described as unnatural. The scarcity of incidents in which the equation of Love and naturalness is made does not mean, however, that it is not valid. Its scarcity is a result of Wroth's examination of the problematic relationships between love and crime and the fact that most of the lovers in the *Urania* are unhappy.

<sup>48</sup> Ibid., pp. 518-26.

<sup>49</sup> Ibid., p. 525.

incestuous love is highly unusual in Jacobean literature. Instead of transferring their affections to others after the truth has been revealed, Wroth's lovers remain true to their love in defiance of social conventions. This clearly demonstrates not only the supremacy of Love in the *Urania*, but the valorisation of Love and its laws over the religious dictates and natural human relationships in the real world.<sup>50</sup> In the *Urania*, Love's laws are to be adhered to in the first and last instance.

However, Wroth also problematises Love and his laws in the *Urania* through their criminalization by various characters. For, although Love is posited as deity, monarch, and natural state, he is more frequently upbraided for his sinfulness, tyranny, and unnaturalness. In doing so, Wroth draws on traditional images within the romance and courtly love traditions. The depictions of Love as a sinful deity and tyrannical monarch originate in classical literature. Similarly, the association of love with unnaturalness is an aspect of the romance and the courtly love tradition which possessed considerably currency in the late sixteenth and early seventeenth centuries. Wroth's choice of images from these traditions is, however, highly selective. Wroth only employs images that complement, and can be used in conjunction with, the early modern understanding of criminalization.<sup>51</sup> Wroth further problematises Love by suggesting that Love's greatest crime is inconstancy, which, ironically, he is constantly accused of by the characters in the *Urania*. This is not surprising, however, since, throughout most of the narrative, the majority of the characters are engaged in their frequently thwarted attempts to obtain the objects of their desires.

Although Love is identified as the 'more powerful God', and the state of being in love as virtuous, he is also seen as a sinful devil and so, by implication, is the condition he engenders in people.<sup>52</sup> One exposition of Love's sinfulness is articulated by Celina; a shepherdess who despises love.<sup>53</sup> Inverting the courtly love trope of Love-as-Cupid, Celina describes Love as a 'blind Devill' and a

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<sup>50</sup> See Roberts note '526.29' in 'Commentary', in *Urania*, ed. by Roberts, p. 782.

<sup>51</sup> For comments on Wroth's selective choice of images from the romance and courtly love traditions in her sonnet sequence *Pamphilia to Amphilanthus* and closet drama *Love's Victory*, see Lewalski, 'Revising Genres', pp. 252-63 and Louise Schleiner, *Tudor and Stuart Women Writers*, With Verse Translations from Latin by Connie McQuillen, from Greek by Lynn E. Roller, *Women of Letters*, ed. by Sandra M. Gilbert and Susan Gubar (Bloomington and Indianapolis: Indiana University Press, 1994), pp. 145-46.

<sup>52</sup> Wroth, *Urania*, ed. by Roberts, p. 26.

<sup>53</sup> *Ibid.*, pp. 640-41.

deceitful 'false God' who 'deludes' and 'abuse[s]' lovers.<sup>54</sup> Love misleads lovers, presenting 'faults' and 'falsehoods' as virtues and truths.<sup>55</sup> Celina further criminalizes Love by drawing on the association of cosmetics with sinfulness and social deceit. Love 'paint[s]' over his 'worst cousenages', thus hiding his sinful deceptive nature.<sup>56</sup> However, once Love has fooled lovers, his true nature will be revealed. '[H]ee will appeare in other colours' that are not, Celina implies, nearly as pleasant or enticing.<sup>57</sup>

In the same vein, while Love is hailed as the omnipotent monarch, he is also frequently accused of tyranny and injustice. In her first lament in the *Urania*, Pamphilia, for example, asks what she has done to "[...] deserve[...] to bee thus tyrannically tortured by love?"<sup>58</sup> As Pamphilia complains, she has broken none of Love's laws and does not deserve the 'punishment[s]' that she suffers.<sup>59</sup> Indeed, the more Pamphilia obeys Love, the more he oppresses her. He may be the "[...] all conquering King", but he is also an unjust, "tyrannical[...]", and "ill" king.<sup>60</sup> Nor is Pamphilia the only character to criminalize Love's monarchical tyranny. Elsewhere, for example, Dolorindus rails against not only Love's oppressive tyranny and 'unrightfull Monarchy', but also his 'crueltie[...]'.<sup>61</sup> Love is the 'cruelst [*sic*] of cruelties' since his ultimate purpose is to cause 'intollerable [...] suffering'.<sup>62</sup> Love causes pain and then appears to assuage it somewhat only to make the pain all the more acute. Not only is Love an unlawful and tyrannical monarch, he is also an unnatural sadistic one.

Finally, while Love is seen as the most powerful natural force that shapes Man's humanity and social relationships, Love is more often seen as unnatural. One particularly intriguing denunciation of Love's unnaturalness is articulated by Pamphilia in Book II.<sup>63</sup> Pamphilia is tormented by her constant love for Amphilanthus and her fears regarding his possible inconstancy. This emotional

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<sup>54</sup> Ibid., p. 640.

<sup>55</sup> Respectively: *ibid.*, and p. 641.

<sup>56</sup> Ibid., p. 641.

<sup>57</sup> Ibid.

<sup>58</sup> Ibid., p. 62.

<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> Ibid., p. 182.

<sup>62</sup> Ibid.

<sup>63</sup> See *ibid.*, p. 244.

combination engenders a state of flux between hope and despair in Pamphilia, leaving her entirely at the mercy of her passion. Recognising this, Pamphilia identifies Love as an ‘unnaturall’ ‘murder[ous]’ nursing mother.<sup>64</sup> Love has ‘bred’ Pamphilia by making her fall in love with Amphilanthus.<sup>65</sup> However, instead of feeding her child, i.e. Pamphilia, with ‘milke’ or Amphilanthus’s love, Love ‘denie[s] [her] foode’ and ‘starve[s]’ her.<sup>66</sup> Love is, therefore, ‘unnaturall’ since no natural mother would ‘breed’ a child only ‘to murder’ it.<sup>67</sup> This is one of the rare occasions in the *Urania* where Love is feminised, compounding Love’s unnaturalness. As we have seen, not only was infanticide a predominantly female crime, it was also viewed as one of the most unnatural and sinful crimes a woman could commit. Additionally, the feminisation of Love in this instance emphasises her criminality since, as we have also seen, the female body was more readily associated with criminalized traits.

Although Wroth constructs the world of the *Urania* in terms of Love and Love’s laws, she problematises the central position that Love occupies in the world of the *Urania* by criminalizing it. And, as Pamphilia’s previous speech suggests, Love’s crime is inconstancy and the subsequent inconstancy he instils in his believers, subjects, and creations: lovers. Not surprising then, the inconstancy of lovers is consistently identified as a crime and described in terms of sinfulness, illegality, and unnaturalness. Parselius, for example, identifies his inconstancy to Urania as a ‘sinne’,<sup>68</sup> thus making him a ‘villaine’:<sup>69</sup> a criminal. Alternatively, Liana states that inconstancy breaks human, as well as divine, laws by resulting in murder. ‘False’, mourns Liana, is a ‘murdering word, which with it selfe carries death, and millions of torture joyned with it’.<sup>70</sup> On the other hand, because of his perceived inconstancy, Antissia views Amphilanthus as unnaturally and sinfully bestial, cannibalistic, and monstrous. Amphilanthus is a “[f]alse creature; [...]”;<sup>71</sup> he is an “[u]nnaturall man that preyes on his owne kind, nourishing his life with the ruine of simple innocent Lovers’.<sup>72</sup>

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<sup>64</sup> Ibid.

<sup>65</sup> Ibid.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Ibid., p. 152.

<sup>69</sup> Ibid., p. 153.

<sup>70</sup> Ibid., p. 247.

<sup>71</sup> Ibid., p. 112.

<sup>72</sup> Ibid., p. 113.

Furthermore, Amphilanthus's ingratitude marks him as a 'monster of [his] sexe'.<sup>73</sup>

Wroth establishes an alternative world structure in the *Urania* in which Love and its laws replace and supersede God, man, and nature, and their laws. Consequently, in the *Urania*, Love and its laws are valorised over early seventeenth-century religious, political, legal, natural and social values. Wroth also problematises Love, its laws, and lovers by criminalizing them, contributing to the moral ambiguity of her romance. Love is virtuous and sinful, legal and illegal, natural and unnatural. Such problematisation is also part of Wroth's engagement with the complex relationships between love, crime, and physicality. The following section attends to another way in which Wroth explores these relationships in the *Urania* by examining some of Love's criminalizing physical effects on female and male characters.

#### *VII.1.ii. Love, Criminalization, and the Body*

In the *Urania*, Wroth portrays various characters undergoing negative physical experiences that result in either their bodies *as* their situations being criminalized or in their bodies being placed *in* criminalizing situations. Specifically, I will focus on Love as the cause of the loss of chastity in a woman which results in her criminalization, Love as a form of emotional punishment, and Love as the cause of punitive physical confinement, as well as emotional and physical torture, all of which contribute to the *Urania*'s overall ambiguous assessment of Love and morality.<sup>74</sup>

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<sup>73</sup> Ibid., p. 115.

<sup>74</sup> Wroth also explores negative physical effects of Love that are not necessarily criminalizing. One of the most extreme negative physical effects that Love has on the characters in the *Urania* is death. Many of the characters die because of love. The most vivid account of potential death caused by love is the vivisection and anatomization of Amphilanthus and Pamphilia in the Hell of Deceit episode in Book IV. Another important negative effect of Love on women is the physical deterioration that results from female constancy to inconstant men. Indeed, Wroth's exploration of this suggests that such female constancy can be seen as a woman's crime against herself. See, for example, the story of the Lady of the Forrest Champion in *ibid.*, pp. 633-34. Other negative physical effects of love include temporary madness in the case of Nereana and melancholy. For an account of Pamphilia's melancholy, see Helen Hackett, "'A Book, and Solitariness': Melancholia, Gender and Literary Subjectivity in Mary Wroth's *Urania*", in *Renaissance Configurations: Voices/Bodies/Spaces, 1580-1690*, ed. by Gordon McMullen (Hampshire; New

The first example of a negative physical consequence of Love for women that results in the criminalization of their bodies *as* their situations is their loss of chastity. This is particularly evident in cases of lost chastity involving an inconstant, and, therefore, in the world of the *Urania*, criminal, lover. One such woman is Alena; a shepherdess deserted by her inconstant lover, Lincus.<sup>75</sup> Having been jilted by him, Alena is no longer good for anyone else. Although Alena does not explicitly state that she yielded sexually to Lincus, the consequences of her desertion that she enumerates suggest this. Because Lincus has deserted her, Alena has become a source of shame to her 'house'; her family and their name.<sup>76</sup> She is a 'disgrace' to her friends, a 'staine' on women and, generally speaking, an epitome of 'all mischiefe',<sup>77</sup> i.e. 'wickedness'.<sup>78</sup> All Alena has left to show for her love for Lincus are 'the marks of shame'; her reputation is disfigured, her honour is sullied, but most importantly, her body is now sinful and valueless.<sup>79</sup> Alena's loss of chastity to a lover who does not honour his matrimonial promises results in her body *as* her situation being identified as sinful, socially unacceptable and possibly unnatural since her body, she suggests, no longer possesses its natural state of virginity. The criminalization of Alena's body *as* her situation for her loss of chastity is, however, problematic. It is not clear whether her chastity refers to her emotional or physical virginity. Furthermore, according to the valorisation of Love and its laws over those of the real world in the *Urania*, a woman yielding to her lover should not constitute a crime. Alternatively, however, Alena clearly views herself and her body *as* her situation in terms of the patriarchal values of the real world, and, consequently, sees herself as 'no more worthy to live'.<sup>80</sup>

The second, more frequent, example of the criminalizing physical consequences of Love in the *Urania* is the identification of Love as a form of emotional punishment inflicted on the bodies of the characters *as* their situations. Love is identified variously as a punishment, a prison, and a jailer, all of which

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York: Palgrave, 2001), pp. 64-85. Hackett, however, does not explore the physical dimensions to Pamphilia's melancholy.

<sup>75</sup> See Wroth, *Urania*, ed. by Roberts, pp. 226-29. For an example of another woman who finds herself in a similar position, see, the story of Dorolina in *ibid.*, pp. 492-95.

<sup>76</sup> *Ibid.*, p. 227.

<sup>77</sup> *Ibid.*

<sup>78</sup> *OED*, 6.

<sup>79</sup> Wroth, *Urania*, ed. by Roberts, p. 228.

<sup>80</sup> *Ibid.*, p. 227.

are associated with the judicial system and criminalization. In these cases, Wroth emphasises physicality and many of the characters describe their emotional imprisonment in terms of physical pain. Steriamus, for example, bewails that 'Love' is not a blessing but 'a punishment', which he compares to the abdominal pain of being 'cramm'd when one is full',<sup>81</sup> recalling the water torture in which the stomachs of victims were pumped full of water. Similarly, Urania's maid, who loves Allimarlus but is unsure of his feelings towards her describes herself as being 'like one ready still to goe to execution, condemn'd, but repriv'd'.<sup>82</sup> By being in love with someone who may not reciprocate her feelings, the situation she is *in* results in her experiencing her body *as* her situation in ways to similar to a felon who believes that 'execution' is inevitable but is unsure when it will take place.<sup>83</sup> On the other hand, the narrator comments early in Book I that the 'punishments [for Love] are daily built in all humane hearts'.<sup>84</sup> Rather than liberate the characters then, Love more commonly confines them; love is an emotional condition that causes the characters to experience their bodies *as* their situation as prisons. Antissia, for example, locates herself in the 'Dungeon of Despaire'.<sup>85</sup> Both Lucenia and Pamphilia identify themselves as the 'prisoner[s]' of Love.<sup>86</sup> Veralinda too describes herself as 'in the prison too fast locked, by any meanes, but by love to bee freed'.<sup>87</sup> Love is not only the prison but the jailer.

Wroth emphasises the physical impact on the bodies of her characters *as* their situations of such emotional punishment and imprisonment by describing these emotions in terms of physical pain. Bellamira, for example, acknowledges that 'before I knew what love was, I was his prisoner. I pined, sigh'd, wept, but knew not what the paine was, till at last, the Tyrant [i.e. Love] shewed from whence the danger came, but shewed the impossibilitie of obtaining'.<sup>88</sup> Bellamira experiences the emotional 'paine' of unrequited love through her body *as* her situation; it results in her starving herself, 'sigh[ing]', and crying.<sup>89</sup> And, as Steriamus demonstrates, the pain of love and the realisation of the inaccessibility

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<sup>81</sup> Ibid., p. 65.

<sup>82</sup> Ibid., p. 547.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid., p. 50.

<sup>85</sup> Ibid., p. 145.

<sup>86</sup> Ibid., pp. 162 and 225, respectively.

<sup>87</sup> Ibid., p. 434.

<sup>88</sup> Ibid., p. 379.

<sup>89</sup> Ibid.



of a desired object of affections can be considerable.<sup>90</sup> Steriamus describes the pain engendered in him by Love in terms of physical torture. Instead of 'delights', Steriamus experiences 'racks and tortures', while Love's tutelage is similar to the 'stripes and blowes' used to train animals.<sup>91</sup> Steriamus does not experience love solely as an emotional condition that affects his heart, it is a condition that affects his body as a whole, *as* his situation. Furthermore, it is a situation that is physically painful; he experiences it as if his body were placed on the 'rack[...]' and 'tortur[ously]' stretched, as well as being 'stripe[d]' with a whip and subjected to physical 'blowes'.<sup>92</sup> Such references are complicated. On the one hand, they suggest the equation of lovers with criminals; only criminals are punitively imprisoned and tortured. On the other hand, Love is frequently presented as tyrannical and unjust, and therefore criminal, which suggests that the imprisonment and torture of lovers by Love is illegal and unjust.

The above descriptions of the physical pain caused by Love that afflict the bodies of the characters and which are expressed in terms that are associated with crime and the treatment of criminals are not, however, the only examples of the possible negative physical consequences that Love has. The *Urania* also presents physical imprisonment and torture which place male and female characters *in* a criminalizing situation as a consequence of Love. In these cases, physicality is emphasised by the physical confinement of the bodies of the characters and the conditions in which they find are placed. There are a number of incidents in the *Urania* where male characters are physically imprisoned and subjected to physical, as well as emotional, torment by women for love. Five of the main male characters are imprisoned in the *Urania*. They are physically restrained by metal chains and ropes, and in all the cases, apart from Leonius, they are held captive. Sellarinus is imprisoned by Olixia, the Lady of Epirus; Parselius and Leandrus are imprisoned by the Amorous Lady of the Forrest Gulfe; Polarchos is imprisoned by the Princess of Rhodes; while Leonius is briefly imprisoned by the Lady of the Castle.<sup>93</sup> The imprisonment of Sellarinus by Olixia is particularly noteworthy since in this episode Wroth apparently employs

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<sup>90</sup> See *ibid.*, p. 416.

<sup>91</sup> *Ibid.*

<sup>92</sup> *Ibid.*

<sup>93</sup> See *ibid.*, pp. 304-05, 404-05, 240, and 474-75, respectively.

female voyeurism through her objectification of the male body in bondage.<sup>94</sup> Wroth's use of female voyeurism and objectification of the male body is, however, an aspect of the *Urania* that has not received any critical attention. This is a notable aspect of the romance since it offers an interesting corrective to feminist critics who view the torture of Limena as problematic. Moreover, Wroth's use of female voyeurism can also be seen in several of Wroth's descriptions of male lovers such as The Forester in the Temple of Diana episode. Similarly, a number of female characters are physically imprisoned and tormented for Love, in which Wroth also emphasises the physical dimension to this criminalizing consequence of Love.<sup>95</sup> And, although men are generally imprisoned in harsher conditions than the women are, this should not detract from the importance of the complementary imprisonments of the women. Furthermore, there are cases in which women are treated harshly by their captors. At least two of the female characters, Limena and Liana, are imprisoned and are clearly subjected to physical torture.

In the following, I will focus on two examples in which characters are physically imprisoned and treated as criminals because of Love: the imprisonment of Parselius and Leandrus by the Amorous Lady of the Forest Gulfe, and the imprisonment of several women in the Throne of Love episode.

While in search of Pamphilia and Urania, Parselius and Leandrus are captured by the knights of the Amorous Lady of the Forrest Gulfe. This Lady is always in a state of being in love and, consequently, apprehends knights and imprisons them until they yield to her. As the Amorous Lady reveals to Polarchos, the conditions in which the knights are physically confined are 'dismal'.<sup>96</sup> The knights are 'chain'd' in 'Caves[...] and Prisons' and they are apparently being starved into submission.<sup>97</sup> The men are emaciated; 'their bodies [are] quite consumed', and are mere shadows of their former selves; 'they appear'd their own Ghosts'.<sup>98</sup> The effect of being placed *in* this harsh situation is

<sup>94</sup> See *ibid.*, p. 306.

<sup>95</sup> See, for example, the story of Meriana in *ibid.*, pp. 24 and 158, and the story of the Lord of Cephalonia's daughter in *ibid.*, pp. 41-44.

<sup>96</sup> *Ibid.*, p. 404.

<sup>97</sup> *Ibid.*

<sup>98</sup> *Ibid.* For another example of the harsh conditions in which some men are imprisoned in the *Urania*, see the account of the imprisonment of Polarchus by the Princess of Rhodes in *ibid.*, p. 240. Both these cases clearly contrast with the luxurious conditions such as the 'marvellous rich

particularly palpable in Parselius's lament. He is 'bound in yrons like a thiefe'; he is lying 'naked on the bare stones', stripped of raiment and pride and reduced to the state of a 'vassall'; his noble, conquering arms are bound and he is 'sham'd like a murtherer'.<sup>99</sup> Parselius's lament emphasises the excruciating physical conditions of the situation *in* which his body is placed, and that his whole 'body' *as* his situation, and not just his heart, is tormented.<sup>100</sup> Also, the comparisons that Parselius makes, particularly those of 'thiefe' and 'murtherer', locate him in the context of criminalization.<sup>101</sup> Parselius is criminalized by the Amorous Lady since he refuses to love her because of his constant love for Daluea. Problematically, however, the criminalizing situation *in* which Parselius is placed here could be seen as justified punishment for his two crimes of inconstancy. He first betrays Urania's love by committing himself to Daluea, and then he betrays Daluea's love when his love for Urania is revived. Consequently, the Amorous Lady's treatment of Parselius as a criminal and his physical punishment is ambiguous.

One of the most significant instances of female imprisonment because of Love is the Throne of Love episode.<sup>102</sup> In Book I, Parselius, Urania, her maid, Selarina, Steriamus, Selarinus, Leandrus, and Allimarlus are shipwrecked on Cyprus where they come across The Throne, or three Towers, of Love. They are informed by an old man, who is a priest of Venus, that the Throne is 'the triall of false or faithfull lovers' and he invites them to try their luck and their loves.<sup>103</sup> The party refuses, having other obligations. But, after drinking from the nearby river, all the women are seized by uncontrollable passions and run into the Towers, where they are imprisoned. As several critics have shown, this episode is symbolical and allegorical.<sup>104</sup> Paul Salzman, for example, identifies this episode as symbolic of '[w]omen's vulnerability to the entrapment of love, and

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roome' and the provision of 'sumptuous fare, glorious plate, and nothing wanting' in which Selarinus is imprisoned (*ibid.*, p. 307).

<sup>99</sup> *Ibid.*, p. 404.

<sup>100</sup> *Ibid.*

<sup>101</sup> *Ibid.*

<sup>102</sup> One of the other most important, similar episodes is the Enchanted Theatre episode in Book III in which both women and men are imprisoned.

<sup>103</sup> *Ibid.*, p. 48.

<sup>104</sup> See, for example, Salzman, *Critical History*, pp. 142-43; Lewalski, 'Revising Genres', p. 267; Beilin, 'Heroic Virtue', pp. 218-20. Both Salzman and Lewalski also view the Enchanted Theatre episode in Book III as symbolic and emblematic. Beilin, however, does not discuss the Enchanted Theatre episode.

the passive role which they are forced to play in a heroic (masculine) world [...].<sup>105</sup> Barbara Lewalski, on the other hand, sees the Throne of Love allegorically demonstrating '[t]he power of love'.<sup>106</sup> Such critical assessments, however, do not identify the significance of the women's actual physical imprisonment by Love, the description of their emotions in specifically physical terms, and the moral ambiguity surrounding Love that emerges out of this episode.

Although Lewalski notes the universality of Love's tyranny,<sup>107</sup> she does not comment on the implications of the narrator's final observation of the episode: 'Thus were the women for their punishment, left prisoners in the throne of *Love* [*sic*]; which Throne and punishments are daily built in all humane hearts'.<sup>108</sup> Love, as we have already seen, is an imprisoning and punitive force. In this case, the women are actually treated as criminals; they are 'prisoners' and they are placed *in* the situation of captives in a physical location.<sup>109</sup> And, the women are being 'punish[ed]' for love by Love.<sup>110</sup> Similarly, Lewalski does not examine the suggestions of criminality in the language used to describe '[t]he power of love' in this episode.<sup>111</sup> Cupid's Throne, the 'Towre of 'Desire'', is the tower for 'false' lovers which engenders in them 'torments fit for such a fault'.<sup>112</sup> Venus's Throne, the 'Towre of Love', is the tower for all lovers but, nevertheless, causes 'unexpressable [*sic*] tortures' such as 'Jealousie, Despaire, Feare, Hope, [and] Longings'.<sup>113</sup> These emotions are expressed in terms of punitive consequences; they are 'torments' and 'tortures'.<sup>114</sup> Furthermore, not only are these emotions in themselves negative, they suggest the negativity of the love that these women valorise elsewhere. The significance of this extends beyond the immediate context. Cupid's Throne and Venus's Throne represent the

<sup>105</sup> Salzman, *Critical History*, p. 142. While this is true of the Throne of Love episode, this statement is not entirely true of the Enchanted Theatre episode since both female and male characters are imprisoned. Moreover, in his analysis of the Throne of Love episode, Salzman notes that Urania is imprisoned alone in the third Tower, i.e. Constancy (ibid., p.142-43). However, in the *Urania*, Wroth clearly states that 'Urania went on, when entring the second tower, guarded by Venus, she was therein inclosed, [...]', Wroth, *Urania*, ed. by Roberts, p. 49.

<sup>106</sup> Lewalski, 'Revising Genres', p. 267.

<sup>107</sup> Ibid.

<sup>108</sup> Wroth, *Urania*, ed. by Roberts, p. 50.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

<sup>111</sup> Lewalski, 'Revising Genres', p. 267.

<sup>112</sup> Wroth, *Urania*, ed. by Roberts, p. 48.

<sup>113</sup> Ibid.

<sup>114</sup> Ibid.

majority of loves and lovers in the *Urania*, suggesting that nearly all the loves and lovers figured in the *Urania* are, in one way or another, flawed. The problematic nature of Love and lovers in the *Urania* is compounded by the third Throne: Constancy's Throne. This throne is inaccessible to all lovers save 'the valiantest [*sic*] Knight[...] with the loyallest Lady'.<sup>115</sup> However, even this couple are not exempt from a degree of negativity. For while the lady is described as 'the loyallest', the knight is described only as the 'valiantest'; he is not described as either the truest or the most constant.<sup>116</sup> The Throne of Love episode highlights one physical consequence of Love that constructs lovers as criminals in the *Urania* by placing the bodies of the characters *in* a criminalizing situation, while drawing attention to the problematic ambiguity of love.

Wroth explores the complex relationships among Love, crime, and physicality in a variety of ways: the examination of Love as the cause of the loss of chastity in a woman which makes her a criminal, Love as a form of emotional punitive, imprisonment, and, Love as the cause of physical punitive confinement, as well as emotional and physical torture, all of which draw attention to the bodies of lovers, whether *as* their situations or the situations *in* which they are placed. However, Wroth also problematises such consequences by presenting them as morally ambiguous. The most important way in which Wroth explores these complex relationships, though, is through her construction of the bodies and subjectivities of criminal female lovers as well as her construction of the bodies and subjectivities of female lovers who are criminalized for love in the *Urania*. Accordingly, the remainder of this chapter will demonstrate how Wroth achieves this.

## VII.2. Criminal(izing) Female Lovers

After the *Urania* was printed in 1621, Lady Mary Wroth was accused of being monstrous for her 'lascivious tales' that feature, among other thing, sinful, criminal, and monstrous women.<sup>117</sup> It is ironic that Wroth's portrayal of female subjectivity remains a source of debate. It is not, however, her portrayal of

<sup>115</sup> Ibid.

<sup>116</sup> Ibid.

<sup>117</sup> Denny, 'Edward, Lord Denny to [Lady Mary Wrothe]', in *Report*, pp. 3-4 (p. 3).

criminal women that her modern critical audience finds problematic but her inconsistent feminist attitudes. The *Urania* both advocates and condemns women's freedom to love and their subsequent actions. Rather than engage with this problematic aspect of the construction of female subjectivity in the *Urania*, recent critics have mostly attempted to explain away the inconsistencies.<sup>118</sup> And, not surprisingly, such accounts almost invariably positively position Wroth and the *Urania* as proto-feminist. Not surprisingly either, it is female characters such as Pamphilia and Urania, characters who demonstrate 'a feminine consciousness in conflict with societal values', who have received the most critical attention.<sup>119</sup>

One of the central purposes of the *Urania* is to explore the complex and problematic relationships among love, crime, and physicality, which in turn generates a degree of ambiguity in the romance. A considerable part of this ambiguity derives from Wroth's inclusion of women who commit crimes because of love, and a sizeable group of women who are criminalized because they are in love. And, while some of these female criminals meet their deserved ends, some of them go unpunished. Equally, while some women are unjustly criminalized, others are not. In these female characters, Wroth can be seen to do two things. First, in her constructions of the bodies and subjectivities of these criminal and criminalized women, Wroth explores the questions of Love, crime, and physicality from a variety of perspectives. And, in doing so, Wroth fosters the moral ambiguity of her romance since it is impossible to extract a model of morality from the *Urania* as a whole.

Accordingly, I will first examine some of the female characters who commit crimes for Love in the *Urania*, but who go unpunished. I will then examine some of the female characters who are criminalized for being in love. In both instances, I will focus on Wroth's varying emphasis on love, crime, and the female body in her exploration of the problematic relationships among them in relation to these female figures, and which contributes to the moral ambiguity in the *Urania*.

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<sup>118</sup> See, for example, Roberts, 'Critical Introduction', in *Urania*, ed. by Roberts, pp. lvii – lviii; Swift, 'Feminine Identity', pp. 169 and 173-74.

<sup>119</sup> Ibid., p. 174.

### VII.2.i. Criminal Female Lovers

In keeping with the early modern understanding of crime as an act that is sinful and unnatural as well as illegal, the crimes that some of the female characters in the *Urania* commit range from greed, pride, murder, witchcraft, usurpation, treason and betrayal, to lust and adultery. Such characters include the second Queen of Romania, Ramiletta, daughter of the King of Negropont, the false Ramiletta, daughter of the false King of Negorpont, Olixia, the Lady of Epirus, Orguelea, Lycencia, and the Lady of the Castle. All of these figures, in a variety of ways, are punished for their crimes by death. However, there are a group of women who commit crimes for Love but who are not punished.

This section examines three of these female characters: The Amorous Lady of the Forrest Gulfe, Lucenia (II)<sup>120</sup> and the Queen of Bulgaria. This illustrates how Wroth constructs their bodies and subjectivities in accordance with the early modern understanding of criminalization and highlights some of the different ways in which she addresses the complex relationships among love, crime, and physicality in these cases. This also shows how these characters contribute to the overall ambiguity of the *Urania*.

The Amorous Lady of the Forrest Gulfe is the woman who unlawfully imprisons Pareslius and Leandrus. And, not surprisingly given her descriptive title, of all the female characters who commit this crime, the ways in which she presents her body *as* her situation marks her as the most lustful. This Lady is dressed as 'immodest[ly]' as possible.<sup>121</sup> Her neck and breasts are highly exposed. Her sleeves are very loosely draped on her so that they reveal her naked arms whenever she moves. Her hair is 'curled' and covered with jewels that are placed 'wantonly and phantastically'.<sup>122</sup> 'Wanton[...]' and phantastic[...]' too are her eyes, whose moistness indicates the predominance of lust in her humoral make-up.<sup>123</sup> The giddiness and unsteadiness of the way she is dressed reflect her intellectual and moral giddiness; she is easily swayed by trifles and 'vaine

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<sup>120</sup> There are two Lucenias in the *Urania*. In order to distinguish between them, I am following Roberts' practice of referring to them as (I) and (II).

<sup>121</sup> Wroth, *Urania*, ed. by Roberts, p. 403.

<sup>122</sup> Ibid.

<sup>123</sup> Ibid.

conceit[s]'.<sup>124</sup> This is also reflected in her physical gait since she is incapable of sitting still, but is constantly 'wanton[ly]' shifting and 'wagling'.<sup>125</sup> Her ultimate concern is her appearance and she is thoroughly self-absorbed. This Lady's body *as* her situation indicates her sinful nature since she is the embodiment of sinful, unchaste Lust. Her body also points to a negative, problematic aspect of Love: the love of sex without an emotional component.

In the midst of describing this Lady, the narrator makes a critical, patriarchal aside. For all their actions and words to the contrary, men 'love modesty best, and most prize it in their breasts [...]'.<sup>126</sup> Given this aside, the unequivocal description of the lasciviousness of this Lady, and, her unlawful, and therefore criminal, imprisonment of men in ghastly conditions, it is reasonable to assume that the Lady will be punished for her crimes. However, after Parselius and Leandrus are rescued, the Amorous Lady simply disappears out of the narrative. We are never told what happens to her and have no way of knowing whether she is punished. The implication is that she is not. Indeed, the ambiguity surrounding this female character is emphasised by Polarchus's retrospective comments about her and their relationship. After his initial unwillingness to become emotionally involved with the Lady, Polarchos's final judgement is that 'he liked' the Lady's 'frowardness nothing ill'.<sup>127</sup> Indeed, claims Polarchos, he would rather have a woman who does not require wooing, who 'merrily yeelds love for love' and who initiates things; a woman who acknowledges the reality of her lustful body *as* her situation and who actively seeks situations *in* which she can be true to her body and its desires.<sup>128</sup> It must be noted here that Polarchos is still recovering from his imprisonment at the hands of the Princess of Rhodes, 'his once best[...] and only beloved', and her treatment of him as a criminal.<sup>129</sup> Nor is his attitude towards the Amorous Lady in any way representative of the attitudes of men in the *Urania* as a whole. However, it is important that such a striking opinion is advanced since it adds to the *Urania's* moral ambiguity.

The lack of punishment of Lucenia (II) generates similar moral ambiguity. She is an adulteress and a witch but she is never punished for her

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<sup>124</sup> Ibid.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

<sup>127</sup> Ibid., p. 407.

<sup>128</sup> Ibid.

<sup>129</sup> Ibid., p. 339.



crimes.<sup>130</sup> Although she is married to a Lord of Romania, she falls desperately, and adulterously, in love with Amphilanthus. Moreover, like the Amorous Lady, Lucenia (II) actively pursues Amphilanthus from her first meeting with him in Cyprus at the tournament to end the enchantment of the Throne of Love. Here, Lucenia (II) is negatively portrayed as seductive, using her body *as* her situation to attempt to ensnare Amphilanthus. She looks at Amphilanthus 'with as inticing a countenance, as Caesar understood Cleopatras to be [...]'.<sup>131</sup> The comparison to Cleopatra is censorious, since Cleopatra was frequently cited as an example of pride and rampant sexuality in early seventeenth-century literature. Predictably, Lucenia (II) also emerges as calculating and manipulative. Stopping mid-way through a sentence addressed to Amphilanthus, '([...] shee blushing held her peace, desiring to bee thought bashfull, but more longing to bee intreated for the rest)'.<sup>132</sup> Once again, Lucenia (II) can be seen to use her body *as* her situation *in* a particular situation to further her sinful, socially unacceptable, and therefore criminal, adulterous desires.

Nor is this the extent of Lucenia (II)'s criminality. Having been rejected by Amphilanthus, Lucenia (II) helps Antissia to treasonously plot the downfall and murder of Amphilanthus. In purposefully exacerbating Antissia's discomfort, Lucenia (II)'s influence on Antissia is clearly insidious. Rather than attempting to soothe or calm Antissia, Lucenia (II) fans Antissia's hatred, 'making dangerous additions to her [i.e. Antissia's] passion [...]'.<sup>133</sup> Moreover, Lucenia (II) is described as 'bewitch[ing]' Antissia 'with her witty person' and they become good friends.<sup>134</sup> Their friendship, however, is anything but 'vertuous'.<sup>135</sup> It is formed by, and flourishes under, their increasing hatred and revengeful plotting against Amphilanthus, 'springing out of the foule mud of their devilish dispositions.'<sup>136</sup>

Lucenia (II)'s association with devilry, witchcraft, and enchantment is later compounded by her choice of disguise as an Egyptian in Book III. Here, she

<sup>130</sup> Another female adulteress and witch who is associated with both Lucenia (II) and Amphilanthus is Musalina. And, problematically, like Lucenia (II), Musalina is never punished for her crimes.

<sup>131</sup> Ibid., pp. 162-63.

<sup>132</sup> Ibid., p. 163.

<sup>133</sup> Ibid., p. 362.

<sup>134</sup> Ibid.

<sup>135</sup> Ibid., p. 363.

<sup>136</sup> Ibid.

actively presents herself *as* a person strongly associated with witchcraft in the early seventeenth century. This association is more fully developed, however, in Book IV. In the first place, Lucenia (II) appears in Pamphilia's dream in which Amphilanthus re-commits the crime of inconstancy, deserting Pamphilia for Lucenia (II). The narrator comments that this was 'an odde Omen, considering all that happned [*sic*] afterwards'.<sup>137</sup> This refers to the Hell of Deceit episode in which both Pamphilia and Amphilanthus have visions of each other.<sup>138</sup> And, in both visions, Lucenia (II) and Musalina are portrayed as sinful, unnatural and, in terms of English law, illegal, enchantresses.

In her vision, Pamphilia sees Amphilanthus with Lucenia (II) and Musalina. Musalina is sitting on a chair and is handed a sword by Lucenia (II). Musalina is about to erase Pamphilia's name from his heart, that has been ripped out, and which will result in his death. Amphilanthus, on the other hand, sees Pamphilia; dead, he thinks, by his own hand. Her corpse is lying on a stone slab and she too has had her heart extracted upon which his name is inscribed. Amphilanthus is, however, interrupted by Lucenia (II) and Musalina's cries, for whom he deserts Pamphilia. In attempting to make Amphilanthus commit the crime of inconstancy, Lucenia (II) and Musalina are described as subjecting Amphilanthus to 'divellish witchcrafts' and their 'divellish Art'.<sup>139</sup> And, ultimately, the 'force of [their] charmes prevaile': Lucenia (II) and Musalina succeed in luring Amphilanthus to Tenedos where he remains, 'living in much pleasure'.<sup>140</sup> Problematically, Lucenia (II) is never punished for her sinful and unnatural adultery or her sinful, unnatural, and illegal, witchcraft.<sup>141</sup> At the same time though, because it is made clear that the driving force behind Lucenia (II)'s crimes is Love and her rejection by her beloved, Lucenia (II) could be forgiven for her criminal actions in the world of the *Urania*.

One of the most striking examples of moral ambiguity surrounding a female character in the *Urania* is the Queen of Bulgaria. She is yet another

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<sup>137</sup> Ibid., p. 581.

<sup>138</sup> Although Pamphilia's vision is narrated first, it is Amphilanthus' vision that occurs first in the chronological order of events.

<sup>139</sup> Ibid., p. 656.

<sup>140</sup> Ibid.

<sup>141</sup> Neither is Musalina. The lack of punishment of Lucenia (II) and Musalina for their respective adulteries contrasts with the Lady of Apulia's fate: the latter dies for her adulterous affair with Dettareus.

woman who is not punished for her sins of pride and lust or for her crime, in terms of the world of the *Urania*, of inconstancy. Although married to the King of Bulgaria, she actively pursues and encourages the attentions of the Prince of Iambolly throughout the narrative. Moreover, her husband appears to be oblivious to her sinful and socially unacceptable behaviour although others remark upon it. What makes the Queen of Bulgaria's case particularly interesting is the narrator's aside on her morality.

In the Enchanted Theatre, the Queen sits between her husband and her lover, the Prince of Iambolly. She spends her time alternating her attentions between them, 'as if she were choosing a looking-glasse, betweene two, which to have, wherein she might see her faire follies best'.<sup>142</sup> Continuing, the narrator comments:

[...] yet if ever pride were to be commended, it was there to be esteemed, for certainly that [i.e. her pride] held her vertuous, and so by that meanes one of the greatest sinnes grew like a vertue, but no neerer being one, [...] no more good is in pride, but as it is sometimes, and here, especially used, for a shadowed vertue.<sup>143</sup>

It is one sin, i.e. pride, which keeps the Queen of Bulgaria from committing another sin, i.e. adultery. And although the narrator makes it clear that when pride is seen against a true 'vertue', pride emerges as an 'imitate[d]' virtue, the narrator also somewhat ironically sees the positive side to pride.<sup>144</sup> In an instance such as this, a vice can be seen as a kind of virtue. This recalls the comments of the Talkative Knight with regards to the Lady of the Forrest Champion where the value of female constancy is questioned, and virtue is seen more as a vice.

Such moral ambiguity in the *Urania* is found in various places. It is perhaps clearest though in Wroth's extensive portrayal of female criminals. For while these criminal female characters contrast drastically with the virtuous ones in the *Urania*, these criminal characters are not simply anti-types. In several cases, these female figures and their actions generate moral ambiguity in the text. This ambiguity reflects onto the virtuous female figures, thus questioning the

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<sup>142</sup> Ibid., p. 443.

<sup>143</sup> Ibid.

<sup>144</sup> Respectively: *ibid.*, and *OED*, 11.

extent and value of their virtues. Moreover, regardless of their immorality, the female criminals that Wroth portrays in the *Urania* are strong and active. They personally pursue their objectives and desires; they do not wait for Fortune or men to facilitate their actions. And, importantly, such pursuits take place within the framework of Love and criminalization. That a large number of them are punished for their crimes can be read in opposing ways. It can be seen to demonstrate Wroth's adherence to seventeenth-century morality in which crimes like murder and adultery must be punished. Alternatively, it can be seen to demonstrate Wroth's awareness that women who transgress within a male, patriarchal society pay the ultimate price. However, while both readings are supported by various passages in the text, neither is ever explicitly privileged.

Most importantly of all, by including such an array of female criminals in the *Urania*, Wroth does two things. First, Wroth reveals her clear facility with the language and notions of early modern criminalization, which supports the earlier argument about Wroth's deliberate substitution of God, man, and nature, and their laws with Love and his laws. Secondly, Wroth's inclusion of such female criminals further supports the arguments regarding the central concern of the *Urania* with the complex relationships among love, crime, and physicality, as well as its overall moral ambiguity. Wroth's engagement with these complex relationships is most clearly evidenced, though, in her construction of female bodies and subjectivities that are criminalized for Love. The final section of this chapter focuses on a selection of female characters that exemplify this.

#### *VII.2.ii. Criminalizing Female Lovers*

In addition to her portrayal of criminal female lovers in the *Urania*, Wroth also portrays several female lovers who are criminalized for Love. Some of them, realising the criminal nature of their actions, construct themselves as criminals. More usually, however, these female lovers are criminalized by the men and women around them because they are in love. Occasionally, such criminalization is due to the woman's choice of beloved. It is most often the result, though, of a woman falling in love with a man who is not her husband either prior to or after her marriage. The centrality of Love to the criminalization of these female

characters is clear. And, in all these cases, Wroth draws on the early modern understanding of crime as well as the *Urania*'s re-definition of crime in terms of Love. Consequently, moral ambiguity is found throughout. Most importantly, though, Wroth emphasises the bodies of these women *as* their situations specifically in relation to Love and crime in various ways. This section focuses on a female character who criminalizes herself, Antissia; and a female character who is criminalized by her husband, Limena.

The most extensive example of self-criminalization by a female figure in the *Urania* is Antissia's self-castigating monologue in Book III.<sup>145</sup> This particular passage has not received much critical attention. Instead, critics focus on the relationship between Antissia and madness, the composition of poetry, and Antissia as a counterpoint to Pamphilia. Here, however, I will focus on how Antissia constructs herself as criminal in relation to Love.

Believing that Amphilanthus has betrayed her and their love, Antissia's love turns from passion, to hatred, to an uncontrollable desire for murderous revenge. Consequently, she asks her nephew, Antissius the younger, and Dolorindus, her admirer, to kill Amphilanthus to restore her honour that she has lost through her desertion and shaming by Amphilanthus. Having cast the dye, however, Antissia realises the enormity of her actions, their criminal nature, and their probable catastrophic outcomes, and she proceeds to criminalize herself in terms of the early modern understanding of crime, as well as in terms of crime as defined in the world of the *Urania*.

In keeping with the early modern understanding of crime, Antissia believes she will be guilty of the illegal, sinful, and unnatural acts of murder and regicide. Not only will she be responsible for the deaths of Amphilanthus, Dolorindus, and Antissius, she will be responsible for their regicides, since they are all kings. Furthermore, her crimes will have serious political and personal ramifications. On the one hand, Antissia's crimes will directly affect the kingdoms of Naples and Rome, Romania, and Negroponte, since Amphilanthus, Antissus, and Dolorindus are their respective monarchs. Their deaths will make

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<sup>145</sup> Wroth, *Urania*, ed. by Roberts, pp. 360-61. Two other women who also criminalize themselves are the mother in the Tomb of Love episode who ultimately dies and the unnamed Lady of Frigia, widely assumed to represent the notorious Francis Howard, the Countess of Somerset, who does not die.

‘widdow[s]’ of their countries.<sup>146</sup> On the other hand, even if Antissius and Dolorindus do not commit murder, their assassination attempts will permanently dishonour them. Antissia will, therefore, be guilty of the ‘murther’ of their ‘honour’.<sup>147</sup> Moreover, if Antissius is killed, as the Romanian who is directly responsible for his death, Antissia will be rightly viewed as an illegal, sinful, and unnatural traitorous regicide.

As Antissia twice admits, she is ‘a Traytor to [her] Country, and deserve[s] the sharpest punishment’.<sup>148</sup> Furthermore, she ‘accuse[s] [her] selfe and know[s] what [Romania] must doe in Justice to bee revenged on [her]’.<sup>149</sup> The ‘sharpest punishment’ in early seventeenth-century England was reserved for treasonous regicides and attempted regicides.<sup>150</sup> Antissia’s realisation that her actions will result in her being identified as a criminal leads her to construct herself in terms of the judicial corporeal punishment that will be carried out on her body *as* her situation, which, she admits, she deserves. In doing so, Antissia recalls Sir Edward Coke’s justification for the judicial corporeal punishment of regicides.<sup>151</sup> Just as the regicide, according to Coke, is ‘thought unfit to take benefit of the common air’, Antissia declares that ‘the ayre cannot afford [her] breath’.<sup>152</sup> Similarly, just as Christian burial is denied to the regicide, in the current circumstances, Antissia will be ‘justly used’ for her sinful behaviour if she has ‘no buriall’.<sup>153</sup> Antissia goes on to emphasise the degree of her physical unnaturalness as a treasonous regicide. Nature herself will reject Antissia’s unnatural body; the ‘grownd’ will ‘afford’ her ‘no rest’.<sup>154</sup> Moreover, to inter Antissia’s body would be detrimental to the earth. Just like pernicious serpents, Antissia’s body is ‘fill’d’ with ‘poyson’; she should, therefore, be ‘destroyed, least [she] infect the earth’.<sup>155</sup> In this way, Antissia identifies herself as sinful, unnatural, and criminal for her crimes of murder and regicide, and constructs

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<sup>146</sup> Ibid., p. 360.

<sup>147</sup> Ibid.

<sup>148</sup> Ibid., p. 360. See also *ibid.*, p. 361.

<sup>149</sup> Ibid., p. 361.

<sup>150</sup> Ibid., p. 360.

<sup>151</sup> See Chapter II.

<sup>152</sup> Respectively: Coke as cited in ‘Trials’, c. 184, and Wroth, *Urania*, ed. by Roberts, p. 361.

<sup>153</sup> Wroth, *Urania*, ed. by Roberts, p. 361.

<sup>154</sup> Ibid.

<sup>155</sup> Ibid.

herself predominantly in terms of the future justified judicial corporeal punishment to be inflicted on her illegal, sinful, and unnatural body.

Antissia also criminalizes herself according to the definition of crime in the *Urania*. Antissia sees herself as 'the disgrace of lovers'.<sup>156</sup> In causing, as she thinks, the death of her beloved, she has broken the laws of Love. In addition to her treason and sinfulness, her hatred has made her unnatural. If hatred is the thing to be most hated and the object of contempt, how then is the person who actively 'nourished' hatred to be seen?<sup>157</sup> Antissia provides the answer to her own rhetorical question: 'As a mother of a brave good sonne, is revered, and sought: so may I be hated, and shun'd for this birth [i.e. the birth of hatred]'.<sup>158</sup> In giving birth to and nursing the fatal hatred of her beloved, Antissia as a lover has committed the most unnatural act of all.

Antissia's clear self-criminalization is not, however, unambiguous. In the first place, like Lucenia (II), Antissia's criminal actions are a direct response to her love for Amphilanthus and his perceived inconstancy. And, as the *Urania* so frequently posits, inconstancy is a crime. Furthermore, Amphilanthus is guilty of inconstancy and, as such, can be seen as deserving death. Secondly, Love's laws are frequently valorised over the laws of the real world. As we have already seen, Amphilanthus views Dolorindus's criminal attempts to assassinate him in terms of Dolorindus's loyalty to Love as the supreme monarch. Consequently, Antissia's actions can be valorised and accepted according to part of the logic of the world of the *Urania*.

Amphilanthus is not, after all this, killed; murder is not committed and, consequently, neither Antissia nor Dolorindus are punished. Antissius, on the other hand, refused to have anything to do with the plot in the first place. Thus, as Antissia hoped he would, Antissius demonstrates 'stayder judgement' as a man.<sup>159</sup> Not all the men in the *Urania*, however, possess 'stayd[...] judgement': a considerable number of them are rash, jealous, impetuous, unreasonable, and frequently inconstant.<sup>160</sup> Furthermore, when the men are like this, it is highly likely they will criminalize, or assist in the criminalization of, their daughters,

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<sup>156</sup> Ibid.

<sup>157</sup> Ibid.

<sup>158</sup> Ibid.

<sup>159</sup> Ibid., p. 360.

<sup>160</sup> Ibid.

lovers, or wives. One such man is Philargus, Limena's husband, who criminalizes her for her constant love for Perrisus.

The story of Limena is, by far, the most extensive account of a female lover who is criminalized in the *Urania* for Love.<sup>161</sup> It is also among the most physically graphic.<sup>162</sup> Helen Hackett has examined the story of Limena extensively and has suggested several possible readings.<sup>163</sup> The episode in which Limena is tortured can, as Hackett shows, be seen as a 'narrative act of voyeurism' which 'illustrate[s] the internalization by a female author of ways of seeing and representing which are associated with masculine sexuality'.<sup>164</sup> Contrastively, although carrying the hagiographic overtones of 'erotic sainthood', Hackett notes that this episode exceeds mere eroticism.<sup>165</sup> Instead, Hackett argues, it provides Limena with 'an eloquent voice' that enables her 'to assert her ardent self-certainty'.<sup>166</sup> Elsewhere, Hackett uses the story of Limena to interrogate two aspects of Wroth's writing: the use and production of the feminine gendered romance, as well as the autobiographical dimension to the *Urania*.<sup>167</sup> In the current context of love, crime, physicality, and female subjectivity, however, there are other reasons why this story is significant, both to the *Urania* as a whole and in itself. As the *Urania*'s first vignette, the story of Limena is morally ambiguous and contains many aspects of the exploration of the problematic relationships among love, crime, and physicality in the narrative.<sup>168</sup> More specifically, in its own terms, the story of Limena story offers a powerful example of the criminalization of a female lover, focusing particularly on the female body as a situation.

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<sup>161</sup> For other women who are criminalized for Love, see, for example the story of Liana and the story of the Lady of Nycaria in *ibid.*, pp. 245-58, and pp. 534-41, respectively.

<sup>162</sup> Like many of the stories in the *Urania*, the story of Limena is complicated by the fact that it is told over various stages and is, initially although unknowingly, mis-told by Perissus to Urania.

<sup>163</sup> See Helen Hackett, 'The Torture of Limena: Sex and Violence in Lady Mary Wroth's *Urania*', in *Voicing Women: Gender and Sexuality in Early Modern Writing*, ed. by Kate Chedgzoy, Melanie Hansen and Suzanne Trill, Renaissance Texts and Studies, ed. by Richard Dutton (Edinburgh: Edinburgh University Press, 1998), pp. 93-110; Hackett, "'Yet Tell Me'"; Hackett, *Women and Romance Fiction*, pp. 168-69.

<sup>164</sup> Hackett, "'Yet Tell Me'", pp. 57 and 58, respectively.

<sup>165</sup> Hackett, *Women and Romance Fiction*, p. 168.

<sup>166</sup> *Ibid.*, p. 169.

<sup>167</sup> Hackett, 'Torture of Limena'. This essay represents Hackett's most detailed analysis of the story of Limena.

<sup>168</sup> The story of Limena is also the first story in the *Urania* that is narrated by one character, Perissus, to another, Urania.



As Hackett points out, in the case of Limena and Perissus, 'adulterous love is presented as entirely admirable; it is the cuckolded husband who is the villain of the piece'.<sup>169</sup> In other words, this episode valorises Love and his laws over the morality of the real world. Although Limena's love for Perissus is adulterous, it is ultimately rewarded. Philargus repents and dies, while Perissus and Limena marry and live happily ever after. Such ambiguity is also demonstrated in Limena's letter to Perissus. She requests that Perissus 'revenge not [her] death on her murtherer' because, 'how unworthy soever he was, or is, yet hee is [her] Husband'.<sup>170</sup> Limena's letter suggests that although Philargus is about to commit the crime of uxoricide, because he is her husband, he is entitled to do so. This suggests that Limena recognises the validity of her husband's claim of adultery as well as reflecting early seventeenth-century values rather than those of Love in the *Urania*.

In this way, the story of Limena also entails some of the more general concerns of the *Urania*. It entails constancy to Love, as well as the alleged crime of adultery and the crime of attempted murder, both of which are engendered by Love and can be equally valorised and condemned. Not surprisingly then, the language of criminalization figures prominently in the exchanges between Philargus and Limena. On the one hand, Philargus calls Limena 'a vild creature',<sup>171</sup> and accuses her of 'lasciviousnesse', having given her honour and his 'to the loose[...] and wanton pleasure of Perissus'.<sup>172</sup> Her 'shamefull' and adulterous 'love' is 'the robber of [his] blisse'.<sup>173</sup> Limena, on the other hand, refuses to be seen as a criminal, refuses to be constructed as a 'Traytor', and refuses to be seen to 'blott [her] fathers house with Treason'.<sup>174</sup> If she is to die, she will die 'unspotted of the crime [Philargus] tax[es] [her] of'.<sup>175</sup> Moreover, Limena later describes his overall treatment of her as 'unnaturalnesse'.<sup>176</sup> Philargus's unnaturalness towards Limena is manifested in accordance with yet

<sup>169</sup> Hackett, "Yet Tell Me", p. 56.

<sup>170</sup> Wroth, *Urania*, ed. by Roberts, p. 11.

<sup>171</sup> Ibid.

<sup>172</sup> Ibid., p. 12.

<sup>173</sup> Ibid. Philargus's identification of Limena's adulterous love for Perissus as 'theft' recalls Cary's similarly unusual use of theft in relation to the adulteress, as opposed to the more traditional use of the term in relation to the adulterer.

<sup>174</sup> Ibid., p. 13.

<sup>175</sup> Ibid.

<sup>176</sup> Ibid., p. 88.

another general aspect of the *Urania*'s exploration of the relationships among love, crime, and physicality; treating a character as a criminal by subjecting the body to forms of physical judicial punishments. Once he suspects Limena of criminal adultery, Philargus initially 'wicked[ly] [im]prison[s]' Limena.<sup>177</sup> The effect of this on Limena becomes increasingly physically visible; 'shee grew sad, and [...] pale, her rosie cheekes and lippes changing to wannesse'.<sup>178</sup> Philargus then begins to 'revile her, and vilely use her'.<sup>179</sup> Philargus's treatment of Limena, which is exacerbated by her constant love for Perissus, becomes increasingly more physically punitive, culminating in Limena's full-scale torture. As Limena later relates, Philargus subjected her to 'daily whippings, and such other tortures, as pinching with irons, and many more so terrible'.<sup>180</sup> Philargus also repeatedly took Limena to a pillar and 'bound [her], then whipt [her], after washing the stripes and blisters with salt water'.<sup>181</sup>

The significance of the corporeal punishment of Limena, however, exceeds that of exemplifying physical punishments that construct characters as criminals and which are a consequence of Love. Wroth's emphasis on Limena's body *as* her situation is integral to Wroth's construction of Limena as a female lover who is criminalized for Love. In keeping with the centrality of the body to the construction of criminalized subjectivity, both Philargus and Limena place considerable emphasis on her body *as* her situation in order to evidence her guilty or innocent subjectivity. As Hackett correctly notes, Philargus views Limena's body and soul, or subjectivity, as one entity. Philargus

assumes that [Limena's] body, her honour and his honour are all identical – her body has been spotted, albeit invisibly, and therefore her honour and his honour are likewise spotted. As she repeatedly refuses to confess, he reacts with an increasing desire to mark her spottedness upon her body.<sup>182</sup>

There is a specific early modern reason for Philargus's behaviour. In keeping with the early modern anxiety surrounding the lack of physical evidence on a

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<sup>177</sup> Ibid., p. 8.

<sup>178</sup> Ibid., pp. 8-9.

<sup>179</sup> Ibid., p. 9.

<sup>180</sup> Ibid., p. 88.

<sup>181</sup> Ibid.

<sup>182</sup> Hackett, 'Torture of Limena', p. 100.

criminalized body, the corporeally deforming punishments that Philargus inflicts on Limena are part of his attempt to make her crime of adultery physically visible and to align her criminalized subjectivity with her body. In other words, Philargus's actions are the consequences, and are indicative, of his construction of Limena as criminal.

Hackett, however, does not note this, nor does she recognise that Philargus constructs Limena as criminal. This lack of recognition is an important contributing factor to Hackett's contradictory assertions regarding the relationship between Limena's body and her subjectivity. On the one hand, Hackett states that Limena 'consistently separates her body and her mind, body and soul, outside and inside'.<sup>183</sup> On the other hand, Hackett argues that Limena 'link[s] her honour with her body in asserting the purity and unspottedness of both'; that Limena unites her body with her abstract sense of self, her 'honour'.<sup>184</sup> One explanation for this contradiction derives from Hackett's view of the 'body [...] as a surface or text' which provides 'signs' of the internal subjectivity.<sup>185</sup>

If, however, Limena's construction of her body and subjectivity is seen in the context of criminalization, Limena's apparently contradictory statements about her subjectivity are resolved. According to the early modern understanding of criminalization, the body is not viewed as a 'surface or text' or a 'screen'.<sup>186</sup> Rather than being 'the medium of representation' of criminality, the body *as* a situation is the medium of criminality.<sup>187</sup> And, Limena is clearly aware that she is situated within the context of criminalization. Limena refuses to admit to the 'crime' of adultery because to do so would be treason on two counts.<sup>188</sup> She would 'blott [her] 'fathers house with Treason' and 'worst' of all, she would 'be a Traytor to [her] friend'.<sup>189</sup> Furthermore, she would be lying. Limena emphatically insists that her body *as* her situation is 'unspotted of the crime' with

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<sup>183</sup> Ibid.

<sup>184</sup> Ibid.

<sup>185</sup> Ibid., p. 101.

<sup>186</sup> Ibid.

<sup>187</sup> Ibid.

<sup>188</sup> Wroth, *Urania*, ed. by Roberts, p. 13.

<sup>189</sup> Ibid.

which she is charged by Philargus.<sup>190</sup> Consequently, Limena constructs her non-criminalized subjectivity in the following manner:

“ ‘[sic] *This* wretched, and unfortunate *body*, is I confesse in your hands, to dispose of to death if you will; yet *it* is not unblest with such a mind as will suffer *it* to end with any such staine, [...] [*italics mine*].’<sup>191</sup>

Here, Limena uses ‘*it* [*italics mine*]’ to refer not to her self or a subjective ‘I’, but to her ‘wretched[...] and unfortunate body’.<sup>192</sup> And, although Limena distinguishes between her body and mind, she does not place them in opposition to one another. They are part of the same entity since she locates her mind within her body. Consequently, her mind will not allow her body to be ‘staine[d]’, since the staining of one will automatically entail the staining of the other.<sup>193</sup> Limena recognises that her honour is located in her body *as* her situation and that the honour of her body *as* her situation confers honour upon her mind, soul, and self. In other words, Limena recognises that, within the context of her criminalization, the primary determinant of her subjectivity is her body *as* her situation.

In keeping with this, Limena’s self-exposure takes on an alternative meaning. Hackett identifies Limena’s self-exposure, as well as her stripping and torture as problematic within a female-authored text.<sup>194</sup> However, if Limena’s self-exposure is seen within the context of criminalization it acquires a specific function. Because Limena has been constructed as criminal by Philargus, it is her body *as* her situation that is accused. It is therefore her body *as* her situation that will vindicate her. Limena’s demonstration of her lack of physical blemishes to Philargus provides both of them with visible physical evidence of her innocence. As Laura Gowing has so recently illustrated, in cases where women were accused of crimes such as fornication, it was their bodies that were subjected to physical, judicial interrogation.<sup>195</sup> Within the world of Love and criminalization in the *Urania*, the wounds and scars that Limena acquires after her torture also constitute the physical evidence of her innocence. Through her endurance of

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<sup>190</sup> Ibid.

<sup>191</sup> Ibid.

<sup>192</sup> Ibid.

<sup>193</sup> Ibid.

<sup>194</sup> See Hackett, ‘Torture of Limena’.

<sup>195</sup> Gowing, *Common Bodies*.

physical torture for her constancy, Limena's constancy is no longer an abstract concept. Her constancy becomes her embodied reality; her constancy is her tortured and scarred body. Ultimately, Limena's body *as* her situation is the basis upon which she constructs her subjectivity. Within her context of criminalization, it is her body that provides evidence of her innocence, her constancy, and her honour. It is her body that defines and determines her self, both for Limena and for those around her.

Within the world that Wroth constructs in the *Urania*, then, particularly in the cases of women criminalized for constancy to Love, Wroth makes the intricate relationship between Love, crime, and physicality particularly visible. Submission to criminalization and its physical repercussions is prerequisite for a constant lover because such physical torment and its physical endurance visibly evidence the lover's constancy. Within this context, constancy is no longer an abstraction but a physical reality. Consequently, such constancy becomes the embodied premise from which subjective construction proceeds. In other words, even in the alternative world of the *Urania*, the female body emerges as the basis for the construction of female subjectivity.

### ***VII.3. Conclusion***

In the *Urania*, Lady Mary Wroth explores the complex and problematic relationships among love, crime and, physicality, particularly for the female body *as* a situation, the situations *in* which the female body can be placed in this context, and how they both affect the construction of female subjectivity. In order to do so, she creates an alternative world in which Love and his laws are supreme. It is a world, however, which is morally ambiguous; Love and lovers are both justly and unjustly criminalized and punished. Consequently, Wroth does not provide the reader with any answers, easy or otherwise. Instead, she leaves the final moral judgement hanging in the air; just as she leaves the *Urania* itself hanging mid-sentence on 'And'.<sup>196</sup> Wroth does not, therefore, present an easy case for contemporary critics, particularly feminists. However, the

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<sup>196</sup> Wroth, *Urania*, ed. by Roberts, p. 661.

identification of Wroth's difficulty is not restricted to twenty-first century critics alone. Wroth's writing generated a similar reaction in the seventeenth-century, for which both she and the *Urania* were identified as sinful and unnatural and which resulted in the withdrawal of the *Urania*.

As Lord Denny's vitriolic poem 'To Pamphilia' suggests, Wroth embodied a considerable number of early-seventeenth century anxieties. In writing and printing a prose fiction, Wroth as a writer produced a text that was associated with 'Idell[ness]' and sinfulness.<sup>197</sup> In writing and printing a prose fiction as a woman, Wroth also supplanted the metaphorical paternal/filial connection between writer and text, making it a concrete, biologically based, one. And, as a woman, Wroth's monstrous female imagination produced a text that was just as monstrous in its turn. In the *Urania*, Wroth '[b]rought forth a [book] which like the damme doth looke'.<sup>198</sup> Perhaps most problematically, however, in exploring the questions of love, crime, and physicality in the *Urania*, Wroth produced a morally ambiguous account of criminalized female bodies and subjectivities. Lord Denny's condemnation can now, therefore, be read as an accolade of the highest order. Lady Mary Wroth and the *Urania* should now be recognised for their blurring of the boundaries of gender norms and generic conventions: they should be seen as 'Hermophradite[s] [*sic*] in show, in deed[s] [...]monster[s]'.<sup>199</sup>

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<sup>197</sup> Denny, 'To Pamphilia' as cited in *Poems*, ed. by Roberts, p. 32.

<sup>198</sup> Ibid.

<sup>199</sup> Ibid.

## CONCLUSION: WRITING THE CRIMINALIZED BODY

This thesis has explored two, hitherto unexamined, areas of inquiry in early modern English texts, c. 1540-1640: the construction of the criminalized body and subjectivity, as well as the engagement with early modern women writers and some of their writings in the context of crime; namely, Anne Askew, Elizabeth Tudor, Lady Elizabeth Cary, and Lady Mary Wroth.

This conclusion briefly returns to the early modern understanding of the criminalized body and its relationship to criminalized subjectivity in order to emphasise the significance of its alterity and our consequent need to employ a new theoretical framework in our engagements with them. It also revisits the case studies and situates them in relation to each other in order to highlight some of the connections between them. This review of the four case studies, however, is not an attempt to arrive at a set of generalised conclusions about writing the early modern criminalized female body and subjectivity. Indeed, these four cases alone show that there is no universal formula that can be derived and universally applied. Instead, this review arrives at a *terminus ad quem* for these four specific instances of writing the criminalized female body. Finally, it briefly examines some of the most important implications of this thesis for the broader areas of early modern scholarship.

### *Conc.1. Re-constructing the Criminalized Body and Subjectivity in Early Modern England*

In early modern England, the criminalized body is conceived of in a historically specific way. The criminalized body, whether male or female, is seen as sinful, illegal, and unnatural, as well as physically deformed; either because it is demonstrably so, or because it is imagined to be so. This specific understanding of the criminalized body derives from two interrelated sources. First, the identification of the criminalized body as sinful, illegal, and unnatural is rooted in the early modern understanding of crime. As recent historical scholarship has shown, in the period, a crime is understood as an act that is sinful and unnatural

as well as illegal. In other words, crime is thought of in terms of deviance from a fundamental intellectual framework: the necessary correspondence between divine, natural, and human laws, whether criminal laws or those governing socially acceptable behaviour. Consequently, a body that commits a crime is seen to break all three sets of laws and is identified as sinful, unnatural, and illegal. And, secondly, since the criminalized body is viewed as unnatural, and since unnaturalness in the human body is most frequently understood as monstrous physical deformity, the criminalized body is thought to be corporeally deformed.

This conceptualization of the criminalized body has several consequences. First, it results in a widespread process of criminalization in the social sphere. Since criminalized bodies can be identified through visibly corporeal deformity or behaviour that is considered to be sinful and socially unacceptable, this allows for bodies to be constructed as criminalized in the social sphere. However, this social process does not necessarily result in judicial criminalization and punishment. The existence and currency of this process are evidenced in recent historical work that reveals a considerable number of social practices and strategies preceded the involvement of the judiciary and the courts, both secular and ecclesiastical.

Secondly, since the criminalized body is identified as a body that breaks divine and natural laws, the laws that govern human society, as well as being physically deformed, the criminalized body lends itself to widespread cultural employment in areas and contexts that exceed the legal. A wide range of social practices can be constructed as crimes, while the bodies that engage in them are criminalized. Such practices include the use of cosmetics, cross-dressing, exorbitant fashions, and acting. Indeed, arguments are frequently made for the legislative criminalization of such social practices because they are sinful, unnatural, and physically deforming. Also, the use of criminalized bodies emerges as an important rhetorical strategy in theological, political, and literary debates.

Together, the process of criminalization in the social sphere and the widespread textual currency of criminalized bodies evidence the third consequence of how the criminalized body is understood: a culture of criminalization in the early modern period in England. At the same time, however, the way in which the criminalized body is conceived is not



unproblematic. Specifically, the assumption that the criminalized body is physically deformed because it is unnatural is responsible for a considerable degree of anxiety and various, sometimes contradictory, constructions of the criminalized body. Such emphasis on physical deformity as evidence of criminality generates a fear of non-physically deformed criminal bodies. A lack of physical deformity means that a criminal body cannot be identified and cannot, therefore, be justly punished. One instance in which this fear is manifested is the need to locate evidence of physical deformity in the interior of the body when the exterior does not provide it. At the same time, the emphasis on corporeal deformity generates various views of the criminalized body. Physical deformity is sometimes seen as the result of criminal actions. Since 'the truth will out', the criminal body evidences its criminality through its visible physical unnaturalness. On the other hand, physical deformity can be seen as evidence of potential criminality. Since a body is unnatural, it is possible, if not probable, that such a body is also sinful and, in keeping with the tripartite correspondence, such a body might also be criminal.

Most importantly, however, the early modern understanding of the criminalized body with its emphasis on physical deformity impacts directly on the construction of criminalized subjectivity. Since physical deformity evidences the criminal nature of the individual and his or her actions, then, it is the body that primarily determines the individual's guilt. Conversely, if the body does not evidence its unnaturalness through physical deformity, then the body evidences its probable innocence. Consequently, in the context of early modern English crime, the body is the basis for the construction of criminalized subjectivity, not vice versa. This understanding of the body is pre-Cartesian, and so, by extension is the relationship between body and subjectivity. Indeed, the extent to which this understanding of the body and its relationship to subjectivity privileges the body is emphasised by the fact that other aspects of the individual, such as sex, gender, and class, are perceived of as part of the general state of the body and its existence. In cases of criminalization, sex and gender are seen to inform the body first and foremost, and then, as a consequence, the subjectivity. Class too is understood in physical terms. The parents of an individual, and therefore, his or her physical descent, determine the nature of the body of the individual, and hence, his or her subjectivity.

Accordingly, this requires us to approach such early modern bodies and subjectivities from a theoretical perspective that privileges the body in the process of subjective construction. Such a theoretical perspective is provided by Toril Moi's recent revisionist account of Simone de Beauvoir's formulations of embodied subjectivity which identifies the body as both the site and enabler of the construction of subjectivity by distinguishing between the body *as* a situation and the body *in* situations.

This distinction allows the recognition of the divide between the corporeal reality of the body and the empirical experiences of the body of the larger contexts that the body interacts with. In other words, these formulations allow us to distinguish between the body's physicality, such as its physical inheritance and its physical deformities, and the various contexts, such as the political, religious, economic, social, and cultural, within which the body may be placed. These distinctions are significant for several reasons. First, while this distinction admits an ongoing, mutually affecting dialogue between the two aspects of the body, it does not conflate the two and views them as necessarily separate. Secondly, this theoretical approach recognises the historicity of the body, allowing the recognition of, and engagement with, a highly historically specific, non-extant, view of the body. Most importantly, according to this theoretical perspective, subjectivity is always a work in progress that is enabled by, and emerges out of, the on-going dialogue between the body *as* a situation and the body *in* situations. Hence, this theoretical approach enables the non-reductive construction of subjectivity that is premised on the body; a model that reflects, and thus enables the re-construction of, early modern criminalized subjectivity, male and female.

*Conc.2. From Heretics to Hermaphrodites: Anne Askew, Elizabeth Tudor, Lady Elizabeth Cary, and Lady Mary Wroth*

In light of the above, this thesis has explored the centrality of the criminalized female body to texts by four prominent women in the canon of early modern women writers: Anne Askew, Elizabeth Tudor, Lady Elizabeth Cary, and Lady

Mary Wroth, among whose lives and works several comparative and contrastive connections can be made.

The works of all four women are informed by early modern crime, demonstrating some of the crimes women could be accused of. Askew is accused of heresy and of primarily breaking divine laws. Elizabeth Tudor is accused of treason and of primarily breaking human laws. Two of Cary's main female characters are accused of adultery and of primarily breaking natural laws. And, many of Wroth's female characters are accused of a variety of crimes, collectively breaking divine, human, and natural laws.

Also, several types of physicality underpin the four case studies, both empirical and textual. The first type of empirical physicality that all four women share is physical confinement. All four women experience varying modes of physical confinement out of which they produce their texts. All four cases are also united by physical violence. Both Askew and Elizabeth were subjected to punitive violence. In addition to their state-sanctioned confinement, both women were subjected to the rigours of early modern interrogations. On the other hand, Cary and Wroth are both concerned with physical violence in their works. Cary addresses the problem of the life-threatening violence of a husband as well as the question of murder of a spouse. Wroth examines some of the physical and violent effects that love can have on women, as well as some of the types of physical violence that love can move women to commit. Additionally, the physicality of actual early modern judicial procedures lies behind three out of the four cases. Askew is first threatened with, and then actually subjected to torture on the rack. And although the torture of Askew appears to have been illicit, torture was a state-sanctioned judicial procedure in early modern England. Elizabeth's case also invokes another judicial procedure. Behind the obsession of the authorities with her body, lies the judicial procedure of a jury of women searching the body of an accused woman for evidence of her guilt or innocence. And, in Cary's *Tragedy*, Mariam's execution for adultery takes place against the increasing legislative debate in the early seventeenth century over the felonisation of adultery.

The works of the four women also share another type of physicality: the physical impact of censorship on their textual productions. In Askew's case, some of John Bale's later editions bear the imprint of censorship; editions exist

from which passages have been clearly excised. In a similar vein, John Foxe has clearly censored his own work, making subtle changes to the *Examinations* in each edition of the *Acts and Monument[s]*. In Elizabeth's case, it is more than likely that Bedingfield himself censored the content of his letters to the Queen Mary and the Council, fearing either the immediate consequence of his letters being read by an unintended audience or the possible outcomes of the death of either Mary or Elizabeth. And, in Cary and Wroth's cases, both the *Tragedy* and the *Urania* were subsequently withdrawn from the market not long after the texts were printed. It seems both Cary and Wroth were obliged to remove their printed texts from circulation.

Most importantly, the works of all four women demonstrate some of the ways criminalized female subjectivity could be constructed and the strategies that could be employed to counter such constructions. And, it is here that the differences among these writers emerge. Both Askew and Elizabeth were actually charged with felonies, imprisoned, and wrote from within their judicial confinement. And both women attempt to de-criminalize themselves in their writings. However, Askew and Elizabeth deal with their bodies in almost diametrically opposed ways and construct their subjectivities accordingly. On the one hand, in response to being placed *in* a series of situations in which she could be constructed as a criminal, Askew writes her body *as* her situation out of her texts and out of her account of her subjectivity, since it is the body *as* a situation that is the basis for the construction of criminalized subjectivity. At first, Askew does this to undermine the attempts of the authorities to criminalize her body. Later, Askew does this to her prevent her readers from criminalizing her. On the other hand, while Elizabeth's purpose is, like Askew, to de-criminalize herself, Elizabeth does precisely the opposite. Rather than write her body *as* her situation out of her accounts of her self, Elizabeth brings her body *as* her situation to the fore. Elizabeth emphasises the significance of her body *as* her situation which determines her status *as* the natural, legal heir presumptive to the throne of England, and her innocence, in response to being placed by the authorities *in* situations that are premised on the assumption of her guilt, first as a state prisoner in the Tower and later as a prisoner under house arrest.

By contrast, neither Elizabeth Cary nor Mary Wroth was subjected to early modern judicial criminalization when they produced their respective works.

And, although both Cary and Wroth's works possibly contain autobiographical elements, the writings of both women are primarily works of fiction. Furthermore, unlike Askew and Elizabeth's clear de-criminalized constructions of female subjectivity, Cary's and Wroth's constructions of criminalized female subjectivity are ambiguous. In *The Tragedy of Mariam*, Cary explores the criminal nature of female adultery but problematises its precise nature. Is adultery the criminal act of physical intercourse, or is it the criminal act of emotional and intellectual betrayal? Indeed, is such emotional and intellectual betrayal a physical act? Cary does not, however, offer the reader a final opinion and the *Tragedy* is morally ambiguous to the end. Wroth's *Urania* is also morally ambiguous. Wroth examines the complex relationships among love, crime, and physicality, particularly for women. And, like Cary, Wroth's portrayal of these relationships is ambiguous. Wroth both valorises and criminalizes love, the laws of love, and their physical consequences. Also, Wroth presents the reader with criminal female lovers who are not punished and female lovers whose criminalization can be seen as just and unjust. In both their works, Cary and Wroth explore some of the ways in which the dynamic between a woman's body as her situation and the situations *in* which she is placed, or *in* which she places herself, can lead to her construction as criminalized, either by herself or others, as well as several consequences of such constructions, some of which can result in a woman's death.

These differences might be explained by the context out of which these texts were written and their textual status as 'historical' or 'fictional'. Askew and Elizabeth produce 'historical' texts; autobiography and, predominantly, letters, out of situations of judicial criminalization which were potentially fatal. Consequently, their respective de-criminalized constructions of themselves can be seen as an understandable, if not necessary, response to the situations they are *in*. Conversely, in writing 'fictional' works in non-judicially criminalized conditions, it could be reasonably argued that Cary and Wroth can afford to be ambiguous about questions of female criminality, female innocence and guilt, and, therefore, construct female subjectivities whose criminalized statuses are ambiguous in their works.

Nevertheless, beneath these important differences, there lies one further similarity. The criminalized female body emerges as central to the construction

of an early modern woman's subjectivity as guilty or innocent. In all four cases, there is a palpable contest between cultural constructions and the female subject in terms of what a woman's body is and is not. Rather than marginalising women, then, early modern criminalization ironically places women in positions from which they can negotiate, challenge, and even refuse early modern cultural constructions of the criminalized female body and subjectivity. Consequently, rather than being disadvantaged by early modern constructions of criminalized subjectivity, women are placed in a context in which they can highlight their physicality and subsequently contest not only criminal accusations but also early modern gender norms. That four women within four different political, religious, and social contexts, and who possess different strategies and purposes, engage in fundamentally similar projects suggests that writing the criminalized body was not as alien to early modern women writers as we might assume.

### *Conc.3. Re-Writing Criminalized Bodies*

This thesis has focused on a specific area of early modern literary production: the centrality of the body in the construction of criminalized female subjectivity in English texts. This focus and the results of the research have implications for broader areas of early modern scholarship. This thesis shows that it is neither negative nor reductive to engage with early modern women writers in a capacity that their contemporaries might have perceived them; namely, as criminals. At the same time, this thesis reveals that the question of early modern women and crime is not limited to legislation and male-written prescriptive literature, whether religious, social, or political. Early modern women writers were concerned with this question. This thesis also shows that the category of the 'literature of crime' in the period can be expanded; in addition to the popular literature that describes crime and criminals, this category can also include some of the writings by early modern women, and men, who were criminalized and judicially imprisoned, as well as texts that deal with questions of criminalization and criminalized subjectivities, female and male.

This thesis illustrates too that it is possible and constructive to employ a theoretical framework in reconstructing early modern female subjectivity that is

not based on the distinction between sex and gender, while remaining highly attentive to sex and gender. Equally, it illustrates the importance of recognising the material context in which texts are produced as well as the benefits of attending to particular moments in the lives and writings of early modern women writers for projects that re-construct early modern female subjectivity.

Finally, this thesis shows the continuing importance of attending to non-Cartesian models of physicality in the period; the historically different ways in which the body is understood and written in early modern English texts, of which one example is the criminalized body.

## APPENDIX

### A BIBLIOGRAPHY OF WORKS CONSULTED BUT NOT CITED

#### PRIMARY SOURCES

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\_\_\_\_\_, *Mystical Bedlam, Or The World Of Mad-Men*. By Tho: Adams (London, 1615)

Albott, Robert, *Englands Parnassus: Or The choycest Flowers of our Moderne Poets, with their Poeticall Comparisons. Descriptions of Bewties, Personages, Castles, Pallaces, Mountaines, Groues, Seas, Springs, Riuers, &c. Whereunto are annexed other various discourses, both pleasant and profitable* (London, 1600)

Anon., [An Homilee] *Agaynst excesse of apparell*, in Anon., *The second Tome of Homiliees*, pp. 213-28: sigs O.iii.<sup>r</sup>-P.ii.<sup>v</sup>

Anon., [Miraculum Signum Cœleste:] *A Discours[e] Of Those Miraculous Prodigie[s], that have been seen since the Birth of our blessed Lord and Saviour Jesus Christ. With a Chronological Not[e] of such Eminent Accidents, which have immediatly ensued the appearance of every of them* (London, 1658)

Anon., [The] *complaint and lamentation of Mistresse Arden of [Feve]rsham in Kent, who for the loue of one Mosbie, hired certaine Ruffians [and] Villaines most cruelly to murder her Husband; with the fatall end of her and her Associats. To the tune of, Fortune my Foe* (London, 1633)

Anon., *A Brief Account Of the many Rebellions And Conspiracies Against Queen Elizabeth, Of Glorious and Immortal Memory [Extracted from William Camden's English Annals]. With A Preface containing an Abstract of Laws made in her Reign for the Security of the Protestant Religion, her Person and Government* (London, 1722)

Anon., *A certaine Relation of the Hog-faced Gentlewoman called Mistris Tannakin Skinker, who was borne at Wirkham a Neuter Towne between the Emperour and the Hollander, scituate [sic] on the river Rhyne. Who*



*was bewitched in her mothers wombe in the yeare 1618. and hath lived ever since unknowne in this kind to any, but her Parents and few other neighbours. And can never recover her true shape, tell she be married, &c. Also relating the cause, as it is since conceived, how her mother came so bewitched* (London, 1640)

Anon., *A Lamentable List, of certaine Hidious [sic], Frightfull, and Prodigious Signes, which have bin seene in the Aire, Earth, and Waters, at severall times for these 18. yeares last past, to this present: that is to say, Anno 1618. untill this instant. Anno 1638. In Germany, and other Kingdomes and Provinces adjacent; which ought to be so many severall warnings to our Kingdome, as to the said Empire* (London, 1638), in Rollins, ed., *Pack of Autolycus*, pp. 21-25

Anon., *A lamentable new Ballad vpon the Earle of Essex his death. To the tune of, Essex last goodnight* (London, [1625?]), in Chappell and Ebsworth, eds, *Roxburghe*, I.1.185

Anon., *A Maruellous Murther, Committed vpon the Body of one George Drawnefield of Brempton, Two miles from Chesterfield, in Darby-shire, who (for Lucre of his wealth) was most cruelly murdered in his bed, on Whitsunday at night, by certaine bloody Villaines whereof Three are in Darby Jayle, One fled, and the rest bound ouer to the Asizes* (London, [1638?]), in Rollins, ed., *Pack of Autolycus*, pp. 15-18

Anon., *A Monstrous Birth: Or, A True Relation Of Three strange and prodigious Things like young Cats, all speckled, which came from a woman dwelling at Wetwan in Yorke shire: And How the Devil kept her Company. The Relation of the Thing is taken out of Letter which a Gentleman dwelling neer the place lately wrote to a friend of his in London* (London, 1657)

Anon., *A most excellent Godly new Ballad: [Shew]ing the manifold abuses of this wicked world, the intolerable pride of people, the wantonnesse [of] women, the dissimulation of flatterers, the subtilty of deceiuers, the beastlines of drunkards, the filthinesse of Whoredome, the vnthriftness of Gamesters, the cruelty of Landlords, with a number of other inconueniences* (London, 1624), in Rollins, ed., *Pack of Autolycus*, pp. 3-

- Anon., *A most horrible & detestable Murther committed by a bloudie minded man vpon his owne Wife: and most strangely Reuealed by his Childe that was vnder fiue yeares of age: At Mayfield in the Countie of Sussex: For which hee was executed the 27.of Februarie now last past, at Greenested in the same Countie* (London, 1595)
- Anon., *A most strange and rare example of the iust iudgement of God executed vpon a lewde and wicked Coniurer the.xvij.day of Januarir. M. D. Lxxvij. In the parish church of S. Mary Oueris in Southwark, in the presence of diuers credible & honest persons* (London, 1577)
- Anon., *A Rare Example of a Vertuous Maid in Paris, who was by her own Mother procured to be put in Prison, thinking thereby to compel her to Popery: but she continued to the end, and finished her life in the fire* (London, [1635?]), in Chappell and Ebsworth, eds, *Roxburghe*, I.1.9
- Anon., *A Statute for Swearers and Drunkards, Or, Forsake now your follies, your booke cannot saue you, For if you sweare and be drunke, the Stockes will haue you* (London, 1624) in Rollins, ed., *Pepysian Garland*, pp. 189-95
- Anon., *A strange and wonderfull Relation Of The burying alive of Joan Bridges of Rochester in the County of Kent. Also, The manner of her tearing open of her own belly, the getting of the Cloath off her face, and losing of her feet in the Grave, and that she was afterwards seen by above 500. Persons. With a Description of her life, and severall other circumstances very admirable, and exceeding remarkable for all sorts of People. With A Certificate of the truth of the Premises; As it was affirdmed to the Lord Major of London, and diuers Members of the Honourable House of Parliament* (London, 1646)
- Anon., *A True and perfect Discourse of the practices and Treasons of Marshall Biron: Together with the particulars of his Arraignement and Execution. Faithfully translated out of the French, trans. by Anon* (London, 1602)
- Anon., *A true Relation of one Susan Higges, dwelling in Risborrow a Towne in Buckinghamshire, and how shee lived 20. yeeres, by robbing on the High-ways, yet unsuspected of all that knew her; till at last, comming to Messeldon, there robbing a woman; which woman knew her and called her by her name: now when she saw she was betrayed, she killed her, and*

*standing by her while she gave three groanes, she spat three drops of blood in her face, which never could be washt out; by which shee was knowne and executed for the aforesaid murder at the Assizes in Lent at Brickhill. To the tune of, The worthy London Prentice (London, [1635?]), in Chappell and Ebsworth, eds, Roxburghe, I.2.424-25*

Anon., *A True Relation of the birth of three Monsters in the City of Namen in Flanders: As also Gods Iudgement vpon an vnnaturall sister of the poore womans, mother of these oboritue children, whose house was consumed with fire from heauen, and her selfe swallowed into the earth. All which hapned [sic] the 16. of December last. 1608 (London, 1609)*

Anon., *A true Relation Of the most Horrid and Barbarous murders committed by Abigall Hill of St Olaves Southwark, on the persons of foure infants; Parish Children, whom she undertooke to Nurse, and her most deceitfull borrowing of other Children of her poore Acquaintance, whom on every Quarter day she would bring to the Over-seers of the Parish, and receive her Quarters pay for them, as if they had bin the same children which had bin committed to her charge to Nurse. For which most cruell Murders, being convicted and condemned at the Sessions held at the Old-Baily. Wednesday Decemb. 15. Shee was accordingly Executed on Wednesday, Decemb. 22. in Cheapside neare unto Woodstreet. Together with a true Account of the strange and stubborn end she made, and her jeering of her Executioner at the houre of her Death. And a Caveat to all other Women that are suspected for the like unnaturall and most unmercifull practices (London, 1658)*

Anon., *A True report of the horrible Murther, which was committed in the house of Sir Ierome Bowes, Knight, on the 20.day of February Anno Dom. 1606. With the Apprehension, Detection, and Execution of the Offenders (London, 1607)*

Anon., *A true reporte or description of an horrible, wofull, and moste lamentable murther, doen in the citie of Bristowe by one Jhon [sic] Kynnestar, a Sherman by his occupation, declaring howe wickedly he murdered his owne wife, in the monethe of August laste paste, and beyng taken, was haged [sic] the same moneth 1572 and now newly set forth in print the*

.xxv. daie of the monethe of January (London, 1573), in Hazlitt, ed., *Fugitive Tracts*, 1st s., 23

Anon., *A Trve Relation Of The most Inhumane and bloody Murther, of Master James Minister and Preacher of the word of God at Rockland in Norfolke. Committed by one Lowe his Curate, and consented vunto by his Wife, who both were Executed for this fact this last Assises: He being Drawne and Hanged, [and sh]e being burned, who at his Death [confessed t]he Murther of his owne Child, vnlawfully begotten, and Buried it him selfe* (London, 1609)

Anon., *A warning for all desperate Women. By the example of Alice Davis who for killing of her husband was burned in Smithfield the 12 of July 1628. to the terror of all the beholders* (London, c. 1633) in Rollins, ed., *Pepysian Garland*, pp. 288-92

Anon., *A Warning for all Murderers. A most rare, strange, and wonderfull accident, which by Gods just judgement was brought to passe, not farre from Rithin in Wales, and showneupon [sic] three most wicked persons, who had secretly and cunningly murdered a young gentleman named David Williams, that by no meanes it could be knowne, and how in the end it was revenged by a childe of five yeeres old, which was in his Mothers wombe and unborne when the deed was done. To the tune of, Wigmores Galliard* (London, [1635?]), in Chappell and Ebsworth, eds, *Roxburghe*, I.2.484

Anon., *A Warning for all Murderers. The second part of the Murder of David Williams, and his Wife being great with childe, which was revenged by a childe of five yeeres old, which wasin [sic] his Mothers wombe, and unborne when the deed was done. To the tune of, Wigmores Galliard* (London, [1635?]), in Chappell and Ebsworth, eds, *Roxburghe*, I.2.485

Anon., *A Wonder Woorthy The Reading, Or, A Tr[ue a]nd faithfull Relation of a Woman, now dwelling at KentStreet [sic], who, vpon Thursday, being the 21. of August last, was deliuered of a prodigious and Monstrous, Child, in the presence of diuers honest, and religious women to their wonderfull feare and astonishment* (London, 1617)

Anon., *An Askew, Intituled, I am a Woman Poor and Blind* (London, [1635?]), in Chappell and Ebsworth, eds, *Roxburghe*, I.1.8

- Anon., *An excellent new Ditty: Or, Which proveth that women the best Warriors be, / For they made the Devill from earth to flee. To the Tune of, Deaths Dance* (London, [1630?]), in Chappell and Ebsworth, eds, *Roxburghe*, I.1.108-09
- Anon., *An Homilee agaynst disobedience and wylfull rebellion*, in Anon., *The second Tome of Homiliees*, pp. 544-616: sigs Ll.viii<sup>v</sup>-Qq.iii.<sup>v</sup>
- Anon., *Another Bloody murther committed neere VVare, in Hartfordshire, by some notorious offenders who were executed in the same moneth, To the same Tune [i.e. Fortune my Foe]* (London, 1633), in Chappell and Ebsworth, eds, *Roxburghe*, I.2.487
- Anon., *Bedlam Schoolman. Or, Some Lines made by an English Noble Man, that was in Bedlam. To its own proper Tune, Holow [sic] my Fancie, whither wilt thou go?* ([London?], [1640?]), in Chappell and Ebsworth, eds, *Roxburghe*, III.3.537
- Anon., *Franklins Farewell to the World, With his Christian Contrition in Prison, before his Death* (London, 1615)
- Anon., *Gods Handy-worke in Wonders. Miraculously shewen vpon two Women, lately deliuered of two Monsters: with a most strange and terrible Earthquake, by which, Fields and other grounds, were quite remoued to other places: The prodigious births, being at a place called Perre-farme, within a quarter of a mile of Feuersham in Kent, the 25.of Iuly last, being S. Iames his day. 1615* (London, 1615)
- Anon., *Iames Franklin A Kentishman of Maidstone, his ovvne Arraignment, Confession, Condemnation, and Iudgement of Himselfe, whilst hee lay Prisoner in the Kings Bench for the Poisoning of Sir Thomas O[u]erbury* (London, 1615)
- Anon., *Jacke Of Dovers Merry Tales. Or His Quest of inquiry, Or privy search for the veriest Foole in England. Whereunto is annexed T he [sic] Pennillesse Parliament of Threed-bare Poets. Full of witty mirth, and delightful recreation for the content of the Reader* (London, 1615)
- Anon., *John Spenser a Chesshire Gallant, his life and repentance, who for killing on Randall Gam: was lately executed at Burford a mile from Nantwich* (London, c. 1626), in Rollins, ed., *Pepysian Garland*, pp. 256-62

Anon., *Lacrymæ Germaniæ: Or, The Teares of Germany. Vnfolded her woefull Distresse by Jerusalems Calamity. In a Sermon Preached at a generall Assembly in the Maiden-Towne of Norenberg in Germany, before the Lords the States, and many others of quality there met together, to humble themselves before the Lord.. Translated out of the high Dutch copy* (London, 1638)

Anon., *Muld Sacke: Or The Apologie of Hic-Mulier: To the late Declamation against her. Exprest in a short Exclamation. Non est mollis è terries ad astra via, Muld Sacke, Muld Sacke* (London, 1620)

Anon., *Murder upon Murder, Committed by Thomas Sherwood, alias Countrey Tom: and Elizabeth Evans, alias, Canbrye Besse: The first upon M. Loe, The 2. of M. George Holt of Windzor, whom inhumanely they kild neare Islington on the 22. day of January 1635. The last upon M. Thomas Claxton of London, whom mercilesly they murdered upon the second day of Aprill last past, neare unto Lambs Conduit on the back-side of Holborne, with many other robberies and mischiefs by them committed from time to time since Midsomer last past, now revealed and confest by them, and now according to Judgement he is hangd neare to Lambs Conduit this 14 of Aprill, 1635. to the terror of all such offenders* (London, c. 1635), in Rollins, ed., *Pepysian Garland*, pp. 431-36

Anon., *Nevves out of East India: Of the Cruell and Bloody vsage of our English Merchants and others at Amboyna, by the Netherlandsih Gouvernour and Councell there* (London, c. 1624), in Rollins, ed., *Pepysian Garland*, pp. 200-06

Anon., *New News Of A Strange Monster Found In Stow Woods Near Buckingham, Of Human Shape, with a Double Heart, and no Hands; a Head with Two Tongues, and no Brains* (London, 1679)

Anon., *Newes From New-England: Of A most strange and prodigious Birth, brought to Boston in New-England, October the 17. being a true and exact Relation, brought over April 19. 1642. by a Gentleman of good worth, now resident in London. Also other Relations o[f] six strange and prodigious Births in these countries following. The 1. from New-England. The 2 from Quieres. The 3d. in Ravenna. The 4. in Paris. The 5. in St. Andwes Chu[r]ch in Paris. The 6. in the Forrest Biera* (London, 1642)

Anon., *Severall Apparitions Seene in the Ayre, at the Hagve in Holland, upon the 21 / 31 day of May last past 1646, about one of the clocke in the Afternoone. Viz. A Lyon and a Dragon fighting. A King with three Crownes on his head, &c. A Navie or Fleet of Ships. A man on Horsbacke shooting himself thorow. Two troopes of Horse fighting, &c. A multitude of people appeared, some with heads and some without heads. Being verified by Letters sent to divers Members of the Hon: House of Commons, and translated out of the Dutch copie. Whereunto is annexed the severall Apparitions seene in the Counties of Cambridge, Suffolke, and Norfolke, in and upon the same 21 day of May last past (as aforesaid) in the afternoone, 1646. This is licensed and published according to order* (London, 1646)

Anon., *Signes from Heaven: Or Severall Apparitions seene and heard in the Ayre, in the Counties of Cambridge and Norfolke, on the 21 day of May last past in the afternoone, 1646. Viz. A Navie or Fleet of Ships under sayle. A Ball of wild-Fire rolling up and downe. Three men struggling one with another, one having a Sword in his hand. Great Hailstones round and hollow like Rings. Extraordinary beating of Drums in the ayre, &c. A Piller or Cloud ascending up from the earth like a spire-Steeple, being opposed by a Speare or Lance downward. Being made manifest by divers and severall Letters from persons of credit in both Counties, and sent up to this City to their friends for Truth* (London, 1646)

Anon., *Sir Walter Rauleigh his lamentation: Who was beheaded in the old Pallace at Westminster the 29. of October. 1618* (London, [1618?]), in Rollins, ed., *Pepysian Garland*, pp. 89-95

Anon., *Strange Newes out of Kent, of a Monstrous and misshapen Child, borne in Olde Sandwitch, vpon the 30. of Iulie last, the like (for strangenes) hath neuer beene seene* (London, 1609)

Anon., *The Anatomy of a Woman's Tongue, divided into five Parts: A Medicine, a Poison, a Serpent, Fire, and Thunder. Whererunto is added divers new Epigrams never before printed. The fifth Edition, with more new Additions* (London, 1658), in *The Harleian Miscellany: Or, A Collection Of Scarce, Curious; and Entertaining Pamphlets and Tracts, As well in Manuscript as in Print, Found in the late Earl of Oxford's Library.*

*Interspersed With Historical, Political, and Critical Notes. With A Table of the Contents, and an Alphabetical Index*, vol. II (London, 1744), pp. 167-78

Anon., *The Apprehension, Arraignement, and execution of Elizabeth Abbot, alias Cebrooke, for a cruell and horrible murther, committed on the body of Mistris Killingworth in S. Creechurch Parish neere Aldgate in London. As also the Arraignement, Conuiction, and Execution of George Iarvis Priest after the order of Saint Benedicts, both which suffered death on Munday the eleventh of Aprill. 1608* (London, 1608)

Anon., *The Araignement & burning of Margaret Ferne-seede, for the Murther of her late Husband Anthony Ferne-seede, found deade in Peckham Field neere Lambeth, hauing once before attempted to poyson him with broth, being executed in S. Georges-field the last of Februarie. 1608* (London, 1608)

Anon., *The Bloody downfall of Adultery. Murder, Ambition, At the end of which are added Westons, and Mistris Turners last Teares, shed for the Murder of Sir Thomas Ouerbury poysoned in the Tower; who for the fact, suffered deserued execution at Tiburne the 14. of November last. 1615* (London, 1615)

Anon., *The cryes of the Dead. Or the late Murther in South-warke, committed by one Richard Price Weauer, who most vnhumaynly tormented to death a boy of thirteene yeares old, with two others before, which he brought to vntimely ends, for which he lyeth now imprissoned in the White Lyon, till the time of his triall* (London, c. 1624), in Rollins, ed., *Pepysian Garland*, pp. 222-28

Anon., *The crying Murther: Contayning the cruell and most horrible Butcher of Mr. Trat, Curate of olde Cleaue; who was first murther [sic] as he trauailed vpon the high way, then was brought home to his hou[se] and there was quartered and imboweld: his quarters and bowels being [a]fterwards perboyld and salted vp, in a most strange and fearefull manner. For this fact the Iudgement of my Lord chiefe Baron Tanfield, young Peter Smethwicke, A[n]drew Baker, Cyrill Austen, and Alice Walker, were executed this last Summer Assizes, the 24. of Iuly, at Stone Gallowes, neere Taunton in Summerset-shire* (London, 1624)



- Anon., *The Cucking of a Scould* (London, [c. 1615]), in Rollins, ed., *Pepysian Garland*, pp. 72-77
- Anon., *The description of a monstrous Pig, the which was farrowed at Hamsted besyde London, the.xvi.day of October this present yeare of our Lord God.M.D.LXII* (London, 1562)
- Anon., *The description of a rare or rather most monstrous fishe taken on the East cost of Holland the .xvii.of Nouember, Anno 1566. The workes of God how great and straunge they be, / A picture plaine behold heare may you see* (London, 1566)
- Anon., *The discontented married Man. Or, A merry new Song that was pend in foule weather, / Of a Scould that could not keep her lips together. To the tune of, Shee cannot keepe her &c.* (London, 1640), in Chappell and Ebsworth, eds, *Roxburghe*, I.1.96-97
- Anon., *The Earle of Gowries conspiracie against the Kings Maiestie of Scotland. At Saint Iohn-stoun vpon Tuseday the fift of August. 1600* (London, 1600)
- Anon., *The forme and shape of a Monstrous Child / borne at Maydstone in Kent, the.xxiiij. of October. 1568* (London, 1568)
- Anon., *The Frenchmens Wonder; Or, the Battle of the Birds*, in Rollins, ed., *Pepysian Garland*, pp. 161-65
- Anon., *The Groanes And Pangues of Tibvrne, To be delivered of her long expected burthen: That bloody, monstrous, cruell, and mischievous Parliament, now at Westminster, dissembling with God, the King, the Country and City. Sad is the time to all those who be / Actors and Friends to our iniquity; / Dismall and wofull are the time [sic] to those / Who ioyne with Traytors, Rebels, and oppose / Their lawfull King, the Prince, and Lawes / Death and shame take them their cause: / And now you standers by shall see / Them take their turnes upon my tree; / In order have I set my house, and these / Which doe their God, their King, the truth oppose, / Some in one place as their degree hath been / Abettors and maintainers of this sin / Rebellion, Treason, Theft, and Blasphemy, / Gentle Spectators, rejoyce to see them dy* (London, 1648)
- Anon., *The Hellish and horrible [sic] Councell, practised and vsed by the Iesuites, (in their priuate Consultations) when they would haue a man to murther a King. According to those damnable instructions, giuen (by*

*them) to that bloody villaine Francis Ravilliacke, who murdered Henry the fourth, the late French King. Sent to the Queene Regent, in answeere of that impudent Pamphlet, published by Peter Cotton Iesuite, in defence of the Iesuites, and their doctrine; which also is hereunto annexed. Translated out of the French, trans. by Anon (London, 1610)*

Anon., *The History Of Herod And Mariamne; Collected and Compil'd from the best Historians, and serving to illustrate the Fable of Mr. Fenton's Tragedy of that Name (London, 1723)*

Anon., *The Horrible Murther of a young Boy of three yeres of age, whose Sister had her tongue cut out: and how it pleased God to reueale the offenders, by giuing speech to the tongues Childe. Which Offenders were executed at Hartford the 4. August. 1606 (London, 1606)*

Anon., *The Kingdomes Monster Vncloaked from Heaven: The Popish Conspirators, Malignant Plotters, and cruell Irish, in one Body to destroy Kingdome, Religion and Lawes,: But under colour to defend them, especially the Irish, who having destroyed the Protestants There, flye hither to de[[f]end the Protestant Religion Here (London, 1643)*

Anon., *The Lamentable Burning of the Cittie of Corke (in the Prouince of Munster in Ireland) by Lightning: which happened the Last of May, 1622. After the prodigious Battell of the Starres, which Fought most strangely ouer and neere that Cittie, the 12. and 14. of May. 1621 (London, c. 1622), in Rollins, ed., Pepysian Garland, pp. 155-60*

Anon., *The lamentable complaint of Fraunce, for the death of the late King Henry the 4. who was lately mured by one Fraunces Rauilliacke, borne in the towne of Angolsem, shewing the manner of his death, and of the election and Proclayming of the new King Lewis, the 13. of that name, being a childe of 9. yeeres of age (London, 1610), in Rollins, ed., Pepysian Garland, pp. 24-29*

Anon., *The lamentation of a woman being wrongfullie defamed. To the tune of Damon & Pithias ([London?] [c. 1584?]), in Ebsworth, ed., Bagford Ballads, pp. 44-45*

Anon., *The lamentation of Edward Bruton, and James Riley, who for the bloody murder committed on the bodies of Henry Howell, and his wife, vpon Queenes Downe, were executed and hanged in chaines, neere the same*

- place on the 18. day of March, 1633. To the tune of, *Fortune my Foe* (London, 1633), in Chappell and Ebsworth, eds, *Roxburghe*, I.2.486
- Anon., *The Lamentation of George Strangwidge, who for consenting to the death of Master Page of Plimmouth, suffered death at Barstable* ([London?], [c. 1635?]), in Chappell and Ebsworth, eds, *Roxburghe*, I.1.183
- Anon., *The Lamenting Lady, Who for the wrongs done by her to a poore woman, for hauing two children at one burthen, was by the hand God strangely punished, by sending her as many children at one birth, as there are daies in the yeare, in remembrance whereof, there is now a monument builded in the Citty of Lowdon, as many English men now liuing in Lowdon, can truely testife the same and hath seene it* (London, c. 1620), in Rollins, ed., *Pepysian Garland*, pp. 121-31
- Anon., *The Last Will And Testament Of that monstrous, bloody, tyrannicall, cruel, and abominable Parliament dissembled at Westminster, May 15: 1648. Being desperately sick in every part of its ungodly Members, as well Committees, Sequestrators, Agitators, Sollicitors, Promoters, Clearkes, Doore-keepers, and all other her [un]true and unlawfull adherents, in manner and form as is here specified* ([London?], 1648)
- Anon., *The Life and death of M. Geo: Sands, who after many enormous crimes by him committed, with Iones and Gent his confederates, was executed at Tyburne on Wednesday the 6 of September, 1626* (London, c. 1626), in Rollins, ed., *Pepysian Garland*, pp. 248-55
- Anon., *The Life Of Herod the Great. Wherein His Inhumane Cruelties are Briefly but Accurately related. With an account of his fatal and miserable End. Licensed Aug. 6. 1677 R. L'estrange* (London, 1678)
- Anon., *The Life, Apprehensio[n], Arraignement, and Execution of Char[les] Covrtney, alias Hollice, alias Worsley, and Clement Slie Fencer: with their Escapes and Breaking of Prison: As also the true and hearty Repentance of Charles Courtney wi[th] other passages, worthy the note and Reading* (London, 1612)
- Anon., *The Merry Cuckold. Who frolickly taking what chance doth befall, / Is very well pleased with Wife, Hornes and all. To the tune of, The merry Cuckold* (London, [1625?]), in Chappell and Ebsworth, eds, *Roxburghe*, I.1.256-7

- Anon., *The Pensive Prisoners Apology. Directed to his fellow-Prisoners wheresoever, wherein he adviseth them to be stedfast in faith and hope, and patiently to indure their careful Imprisonment, and to keep their Vows, shewing they way to true Liberty. To the Tune of, Love with unconfined Wings* (London, [1650?]), in Chappell and Ebsworth, eds, *Roxburghe*, I.2.498
- Anon., *The Phantastick age: Or, The Anatomy of Englands vanity, / In wearing the fashions / Of severall Nations, / With good exhortations, / Against transmutations. To the tune of, O Women monstrous &c.* (London, 1634)
- Anon., *The saying of John late Duke of Northumberlande vppon the scaffold, at the tyme of his of his execution. The .xxii. of Auguste* (London, 1553)
- Anon., *The second Tome of Homilees, of such matters as were promised, and intituled in the former part of Homilees. Set out by the auctoritie of the Queenes Maiestie: And to be read in euery parishe Church agreeably* (London, 1571)
- Anon., *The Sorrowfull complaint of Mistris Page, for causing her husband to be murdered, for the love of George Strangwidge, who were executed together* (London, [1640?]), in Chappell and Ebsworth, eds, *Roxburghe*, I.1.183
- Anon., *The Trial Of His R. H. the D. of C. July 5<sup>th</sup>, 1770. For Criminal Conversation With Lady Harriet G----R.. To which is prefixed, an Introductory Discourse Upon The Antient and Modern Punishments of Adultery, and the uncommon Progress of that Crime. Including All the Letters which have passed between His R..H. and her Ladyship, and were read in Court. Illustrated with striking Likenesses of the Hero and Heroine* (London, 1770)
- Anon., *The Triall Of Elizabeth Cellier, At The Kings-bench-Barr, On Friday June the 11<sup>th</sup>. 1680* (London, 1680)
- Anon., *The true discription of a Childe with Ruffes borne in the parish of Micheham, in the Coûtie of Surrey, in the yeere of our Lord. M.D.L.vi* (London, 1566)
- Anon., *The true discription of two monsterous Chyldren Borne at Herne in Kent. The.xxvii.daie of Auguste In the yere our of Lord. [sic] M.CCCCC.LXV. They were booth women Chyldren and were Chrystened, and lyued halfe*

*a daye. The one departed afore the other almost an howre* (London, 1565)

Anon., *The true reporte of the forme and shape of a monstrous childe, borne at Muche Horkesleye, a village three myles from Colchester, in the Countye of Essex, the .xxi. daye of Apryll in this yeare, 1562* (London, 1562)

Anon., *The Tryal Of Elizabeth Cellier, The Popish Midwife, At the Old Baily, Septemb. 11. 1680. For Printing and Publishing the late Notorious Libel, Intitulde, Malice Defeated &c. Where she was found Guilty. Together with her Sentence* (London, 1680)

Anon., *The two inseparable brothers. Or A true and strange description of a Gentleman (an Italian by birth) about seventeene yeeres of age, who had an imperfect, (yet living) Brother growing out of his side, having a head, two armes, and one leg, all perfectly to be seen. They were both baptized together; the imperfect is called Iohn Baptist, and the other Lazarus. Admire the Creator in his Creatures. To the tune of The Wandering Iewes Chronicle* (London, 1637), in Chappell and Ebsworth, eds, *Roxburghe*, III.1.216-17

Anon., *The Unhappy Loves Of Herod and Mariamne, Introductory to Mr. Fenton's New Tragedy of that Name, now Acting at the Theatre Royall in Lincoln Inn Fields* (London, 1723)

Anon., *The vnnaturall Wife: Or, the lamentable Murther, of one goodman Davis, Locke-smith in Tutle-streete, who was stabbed to death by his Wife, on the 29. of Iune, 1628. For which fact, She was Araigned, Condemned, and Adiudged, to be Burnt to Death in Smithfield, the 12. of Iuly 1628* (London, c.1628), in Rollins, ed., *Pepysian Garland*, pp. 283-87

Anon., *The Woodstock Scuffle Or Most Dreadfull-Aparitions that were lately seene in the Mannor-House of Woodstock, neere Oxford, to the great Terror and wonderfull Amazement of all there that did Behold them* (London, 1649)

Anon., *The Worlds Wonder Being a True Relation Of The strange and dreadful Apparitions seen in the Air, on Tuesday last was seven-night, at New-Market-Heath, and in the Western Parts: Wherein you might discern the Flaming-Sword, the Fiery Dragon, Sparkling-Coals, Burning-Beams, Beating of Drums, Sounding of Trumpets, and a Desperate Conflict*

*between two Armies. Likewise, the presenting of the Earth with a mighty Thunder-Bolt, much like unto the Shell of a Great Granado; and the taking of it up, and carrying it to Justice Fosters, where many hundreds of People resort to see it, to the great admiration of all that behold it. As also, the strange and wonderful Ringing of the Bells, by four White Spirits in the perfect Shape of Men, at Ferry-Briggs in York-shire, on the first of this instant March, betwixt 1<sup>2</sup> and one of the Clock in the Morning. With the Minister, Clerk, and others going to them, demanding, In the Name of the Father, of the Son, and of the Holy Ghost, What they mean[t], and what their Business was? With the Answer which proceeded from a Voice, and the manner how they vanquished. Together with the Prophecie of King James, touching Apparitions, and what shall befall his Family, and these three nations (London, 1659)*

*Anon., Tom Nash his Ghost. To the three scurvy Fellowes of the upstart Family of the Snufflers, Rufflers and Shufflers; the thrice Trebl-troublesome Scufflers in the Church and State, the onely Lay Ecclesi-Ass, I call Generallissimo's. Being like Jobs 3. Comforters, or the Churches 3. Anti-Disciples, the Clergies 3. Persecuters, the States 3. Hors-leeches, the Divels 3. Chaplaines; namely the Anabaptist, the Libertine, and the Brownist. Written by Thomas Nash his Ghost, with Pap with a Hatchet, a little revived since the 30. Yeare of the late Qu. Elizabeths Reigne, when Martin Mar-Prelate was as mad as any of his Tub-men are now (London, 1642)*

*Anon., Two Most remarkable and true Histories, which hapned this present yeare, 1619. The one relating how God most miraculously restored to health Elizabeth Goossens Taets, dwelling in the Long street neere S<sup>t</sup> Georges Church in Amers-ford by Vtrecht in the Low-Countries, the 29. of August last, after fiue and twenty yeares great inabilitie and weaknesse of body. The other shewing how a maruellous deformed Monster was found in the belly of a Cow which was killed by Iohn Vandel Malt-man of Amers-ford aforesaid, the first day of October last. 1619. Both which may serue to inuite vs to serious repentance and vnfained amendment of life, in this wicked and decaying age (London, 1620)*

- Anon., *Whipping Cheare. Or the wofull lamentations of the three Sisters in the Spittle when they were in new Bride-well* (London, c.1612), in Rollins, ed., *Pepysian Garland*, pp. 39-43
- Arcandum, *The Most Excellent Profitable, and pleasaunt Booke of the famous Doctor and expert Astrologian Arcandum, or Aleandrin, to finde the Fatall destiny, constellation, complexion, & naturall inclination of euery man and childe by his birthe Wyth an addition of Phisiognomy, very pleasāt to read. Now newly tourned out of French into our vulgar tongue, by William Warde*, trans. by William Warde (London, 1578)
- Augustine, Aurelius, St., *A woorke of the holy bishop S. Augustine concernyng adulterous mariages. written by him to Pollentius, diuided into two bookes, very necessary to be knowne of all men and women*, trans. by Anon (London, 1550)
- Averell, W., *A Dyall for dainty Darlings, rockt in the cradle of Securitie. A Glasse for all disobedient Sonnes to looke in. A Myrrour for vertuous Maydes. A Booke right excellent, garnished with many woorthy examples, and learned auctorities, most needefull for this time present. Compiled by W. Auerell, Student in Diuinitie, and Schoolemaister in London* (London, 1584)
- Awdelay, John, *The wonders of England* (London, 1559)
- B., E., *Rvles Made By E. B. For his Children to learne to write bye, in A Booke Containing Divers Sortes of hands, as well the English as French secretarie with the Italian, Roman, Chancelry & court hands. Also the true & iust proportiō of the capitall Romāe Set Forth By Iohn De Beav Chesne. P. and M. Iohn Baildon* (London, 1571)
- B., M. G., *Ane Detectioun of the Doingis of Marie Quene of Scottis, tuiching the Murther of hir husband, and hir Consipracie, Adulterie, and pretensit Mariage with the Erle Bothwell. And ane Defence of the trew Lordis, Mantenaris of the Kingis Grace Actioun and Authoritie. Translatit out of the Latine quhilk was written be M. G. B.* (Sanctandrois, 1572)
- B., T., [i.e. Thomas Brewer?], *Mistress Turners Repentance, Who about the poysoning of that Ho: Knight Sir Thomas Overbury, Was executed the fourteenth day of Nouember, last* (London, 1615), in Hazlitt, ed., *Fugitive Tracts*, 2nd s., 8

- B., T., *The Bloudy Mother, Or The most inhumane mu[r]thers, committed by Iane Hattersley vpon diuers Infants, the issue of her owne bodie: & the priuate burying of them in an Orchard, with her Araignment and execution. As also, The most loathsome and lamentable end of Adam Adamson her Master, the vnlawfull begetter of those vnfortunate Babes being eaten and consumed aliue with Wormes and Lice* (London, 1609)
- B[reton], N[icholas], *The Hate of Treason, With a touch of the late Treason* (London, 1616)
- B[ulwer], J[ohn], *Chirologia: Or the Natvrall Langvage Of The Hand. Composed of the Speaking Motions, and Discoursing Gestures thereof. Whereunto is added Chironomia: Or, the Art of Manvuall Rhetoricke. Consisting of the Naturall Expressions, digested by Art in the Hand, as the chieftest Instrument of Eloquence, By Historicall Manifesto's, Exemplified Out of the Authentique Registers of Common Life, and Civill Conversation. With Types or Chyrograms: A long wish'd for illustration of this Argument. By J. B. Gent. Philochirosophus* (London, 1644)
- Bale, John, *A Godly Medytacyon of the christen sowle, concerninge a loue towardes God and hys Christe, compyled in frenche by lady Margarete quene of Nauerre, and aptely translated into Englysh by the ryght vertuouse lady Elyzabeth doughter [sic] to our late souerayne Kynge Henri the.viiij.* ([Wesel]: 1548)
- Ballard, George, *Memoirs Of Several Ladies Of Great Britain, Who Have Been Celebrated For Their Writings Or Skill In The Learned Languages Arts And Sciences. By George Ballard of Magd. Coll. Oxon* (Oxford, 1752)
- Barker, John, *The true description of a monstrous Chylde / Borne in the Ile of Wight, in this present yeare of oure Lord God, M. D. LXIII. the month of October, after this forme with a cluster of long heare about the Nauell, the Fathers name in John Johnsun, in the parys of Freswater* (London, 1564)
- Barlow, Thomas, *Brvtvm Fvlmen: Or The Bull Of Pope Pius V. Concerning the Damnation, Excommunication, and Deposition of Q. Elizabeth, As also the Absolution of her Subjects of their Oath of Allegiance, with a Peremptory Injunction, upon Pain of an Anathema, never to Obey any of her Laws or Commands. With some Observations and Animadversions*



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*, The Fourth Lampe of Virginitie. Conteining the most pure sacrifice of Euangelicall deuotion, or an exercise of holie praiers, and Christian Meditations for sundrie purposes, digested as it were in a Diall of degrees, to direct all godlie men and women daie and night, readilie*

*and plainlie to the holie mount of heauenlie contemplation, and true sanctification of the Lords daie our Sabboth, and so consequentlie of all other principall feasts, daies, houres, times, and seasons of the yeere, priuatlie both at home, and also in the Church, at conuenient times permitted: Compiled out of seuerall works of the best approoued Authors in our age, to the glorie of God, and profit of his Church. By Tho. Bentley Gent. (London, 1582)*

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*, The Monvment Of Matrones: conteining seuen seuerall Lamps of Virginitie, or distinct treatises; whereof the first fiue concerne praier and meditation: the other two last, precepts and examples, as the woorthie works partlie of men, partlie of women; compiled for the necessarie vse of both sexes out of the sacred Scriptures, and other approoued authors, by Thomas Bentley of Graies Inne Student (London, 1582)*

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*Epitaphs, Inscriptions and Arms, in all the Parish Churches and Chapels; with several Draughts of Churches, Monuments, Arms, Antient [sic] Ruins, and other Relicts of Antiquity. Collected Out of Ledger-Books, Registers, Records, Evidences, Deeds, Court-Rolls, and other Authentic Memorials. By Francis Blomefield, Rector of Fersfield, And continued, from Page 678, by the late Reverend Charles Parkin, A.M. Rector of Oxburgh, both in the County of Norfolk, 5 vols (London: W. Whittingham and R. Baldwin, 1769), III*

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*immortall memory Edvvard the sixte: to the entrance and beginnyng of the raign, of our soueraigne & derest Lady Elizabeth of Englande, Fraunce, and I[reland] quene, defender of the faithe, [...] highness truly and properly, apperteineth next and immediately vnder God, the supreme power, and authoritie of the Churches of Englande and Irelande. Sobeit* (London, 1559)

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his former proud offences, specially that treasonable discourse latelie  
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Souerainge Lord, King Iames the sixt, vnto the crowne of England, after  
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trauells in France, Sauoy, Italy, Rhetia com[m]only called the Grisons  
country, Heluetia aliàs Switzerland, some parts of high Germany, and the  
Netherlands; Newly digested in the hungry aire of Odcombe in the  
County of Somerset, & now dispersed to the nourishment of the traueilling  
Members of this Kingdome. Quadrigis, pedibus bene viuere, nainbus  
atq[ue]. Gallia. Germania. Italia. Three Crvde Veines Are Presented In  
This Booke following (besides the foresaid Crvdities) no lesse flowing in  
the body of the Booke, then the Crvdities themselues, two of Rhetoricke  
and one of Poesie. That is to say, a most elegant Oration, first written in  
the Latine tongue by Hermannvs Kirchnervs, a Ciuill Lawyer, Oratour,  
Cæsarean Poet, and professor of Eloquence and Antiquities in the famous  
Vniuersitie of Marpvrg in the Langrauiat of Hassia, in praise of Trauell  
in generall. Now distilled into English Spirit through the Odcombian  
Limbecke. This precedeth the Crvdities. Another also composed by the  
Author of the former, in praise of Trauell of Germanie in particular,  
sublimed and brought ouer the Helme in the Stillitorie of the said*

*Trauelling Thomas: This about the Center [sic] or Nauell of the Crvdities. Then in the Posterne of them looke, and thou shalt find the Posthume Poems of the Authors Father, comming as neere Kinsemen to the worke, being next of blood to the Booke, and younger brothers to the Author himselfe* (London, 1611)

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Cotton, Priscilla, and Mary Cole, *To the Priests and People of England, we discharge our consciences, and give them warning* (London, 1655)

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*to slaunder the vvhole Catholique cause, & all professors therof, both at home and abroad. Reduced into eight seuerall encounters, vvith a particular speeche directed to the Lordes of Her Maiesties most honourable Councel. To vvhome the arbitrimēt of the vvhole is remitted. By N. D. (London, 1599)*

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*, A Treatise Of Three Conversions of England from Paganisme to Christian Religion. The First vnder the Apostles, in the first age after Christ: The Second vnder Pope Eleutherius and K. Lucius, in the second age. The Third, vnder Pope Gregory the Great, and K. Ethelbert in the sixth age; with diuers other matters thereunto apperteyning. Divided Into three partes, as appeareth in the next page. The former two whereof are handled in this booke, and dedicated to the Catholikes of England. With a new addition to the said Catholikes, vpon the nevvs of the late Q. death. and succession of his Maiestie of Scotland to the crowne of England. By N. D. author of the Ward-word ([St Omer], 1603)*

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*, The Warn-Word To Sir Francis Hastingses Wastword: Conteyning the issue of three former Treateses, the Watch-word, the Ward-word and the Wast-word (intituled by Sir Francis, an Apologie or Defence of his Watch-word) together with certaine admonitions & warnings to thesaid knight and his followers. Wherunto is adioyned a breif [sic] reiection of an insolent, and vaunting minister masked with the letters O. E. who hath taken vpon him to wryte of thesame argument in supply of the knight. There go also foure seuerall Tables, one of the chapters, another of the controuersies, the third of the cheif [sic] shiftes, and deceits, the fourth of the parricular [sic] matters conteyned in the whole book. By N. D. author of the Ward-word ([Antwerp], 1602)*

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*A continu[']d iust Inquisition / Of the same subject, fit for this season, /  
Against Paper-Persecvtors. By [sic] (London, 1625)*

\_\_\_\_\_, *A Select Second Hvsband For Sir Thomas Overbvrie's Wife, Now A  
Matchlesse Widow. No Muse can make high flight [/] Whose Lustre  
lackes no Light (London, 1616)*

\_\_\_\_\_, *The Scourge of Folly. Consisting of satyricall Epigrams, And  
others in honour of many noble Persons and worthy friends, together,  
With a pleasant (though discordant) Descant upon most English Proverse  
and others (London, 1610)*

\_\_\_\_\_, *Wits Bedlam, ——— Where is had, Whipping-cheer, to cure the  
Mad. The Booke. Those Epigrams faine would I owe, / Where euery  
Word, is a Word and a Blow. / Reprofes, where they are Well deseru'd;  
must be Well paide (London, 1617)*

Davison, Francis, *A Poetical Rhapsodie, Containing: Diuerse Sonnets, Odes,  
Elegies, Madrigals, Epigrams, Pastorals, Eglogues, with other poems,  
both in Rime and measured verse. For varietie and pleasure, the like  
neuer yet published. The Bee and Spider by a diuerse power, / Sucke  
Hony and Poyson from the selfe same flower. Newly corrected and  
augmented (London, 1611)*

Dekker, Thomas, and John Webster, *The Famovs History of Sir Thomas Wyat.  
With the Coronation of Queen Mary, and the coming in of King Philip. As  
it was plaid by the Queens Maiesties Seruants. Written by Thomas  
Dickers [sic], and Iohn Webster (London, 1607)*

Dekker, Thomas, *Canaans Calamitie Ierusalems Misery, Or The dolefull  
destruction of fair Ierusalem by Tyitvs, the Sonne of Vaspasian Emperour  
of Rome, in the yeare of Christs Incarnation 74. Wherein is shewed the  
woonderfull miseries which God brought vpon that Citty for sinne, being  
vtterly ouer-throwne and destroyed by Sword, pestilence and famine  
(London, 1618)*

\_\_\_\_\_, *Dekker his Dreame. In which, beeing rapt with a Poeticall  
Enthusiasme, the great Volumes of Heauen and Hell to Him were opened,  
in which he read many Wonderfull Things (London, 1620)*

\_\_\_\_\_, *Lanthorne and Candle-light. Or The Bell-mans second Nights walke. In which Hee brings to light, a Broode of more strange Villanies, then euer were till this yeare discovered* (London, 1608)

\_\_\_\_\_, *The Seuen deadly Sinnes of London: Drawne in seuen seuerall Coaches, Through the seuen seuerall Gates of the Citie Bringing the Plague with them* (London, 1606)

\_\_\_\_\_, *The Wonderfull yeare. 1603. Wherein is shewed the picture of London, lying sicke of the Plague. At the ende of all (like a mery [sic] Epilogue to a dull Play) certaine Tales are cut out in sundry fashions, or purpose to shorten the liues of long winters nights, that lye watching in the darke for vs* (London, 1603)

Dickenson, John, *Arisbas, Euphues amidst his slumbers: Or Cupids Iourney to Hell. Decyphering A Myrror of Constancie, a Touch-stone of tried affection, begun in chaste desires, ended in choise delights: And emblasoning Beauties glorie, adorned by Natures bountie. With The Trivmph Of Trve Loue, in the foyle of false Fortune. By I. D.* (London, 1594)

Digges, Leonard, *A Prognostication euerlastinge or righte good effecte, fruitfully augmented by the auctour, contayning plaine briefe, pleasaūt, chosen rules to iudge the weather by the Sunne, Moone, Starres, Comets, Rainebow, Thunder, Cloudes, with other extraordinary tokens, not omitting the Aspects of Planets, vvith a briefe iudgement for euer, of Plenty, Lacke, Sickenes, Dearth, VVarres & c. opening also many naturall causes vvorthy to be knovven. To these and other now at the last, are ioyned diuers Generall, pleasaunt Tables, vvith manye compendious Rules, easye to be had in memory, manifolde vvayes profitable to al men of vnderstanding. Published by Leonard Digges Gentleman. Lately corrected and augmented by Thomas Digges his sonne.* (London 1576)

Digges, Thomas, *A Perfit Description of the Cælestiall Orbes according to the most aunciente doctrine of the Pythagoreans, latelye reuiued by Copernicvs and by Geometricall Demonstrations approued.* (London, 1576)

Donne, John, *Ivvenilia: Or Certaine Paradoxes, and Problemes, Written by I. Donne* (London, 1633)

\_\_\_\_\_, *Paradoxes, Problems, Essayes, Characters, Written by D<sup>r</sup> Donne Dean of Pauls. To which is added a Book of Epigrams: Written in Latin by the same Author; translated into English by J. Maine, D. D. As also Ignatius his Conclave, A Satyr, Translated out of the Originall Copy written in Latin by the same Author; found lately amongst his own Papers* (London, 1652)

\_\_\_\_\_, *BIAΘNATOΣ [i.e. Biathantos]. A Declaration Of That Paradoxe, Or Thesis, that Selfe-homicide is not so Naturally Sinne, that it may never be otherwise. Wherein The Nature, and the extent of those Lawes, which seeme to be violated by this Act, are diligently surveyed. Written by Iohn Donne, who afterwards received Orders from the Church of England, and dyed Deane of Saint Paules, London* (London, 1644)

Douglas, Eleanor, Lady, *A Warning To The Dragon And All His Angels. Marke yee this wicked persons, & yee friends of the vnrighteous Mammon. Luke, XXI. Take heed to your selues, lest at any time your hearts be overcharged with Surfetting and Drunkenesse, and the Cares of this life, and so that day come vpon you vnawares. For as a Snare shall it come on all them, that dwell on the face of the whole Earth. A Snare O Deuill* (London, 1625)

\_\_\_\_\_, *Hells Destruction. By The Lady Eleanor Douglas. Apocal. Behold, the Devil shall cast some of you into Prison, that you may be tryed; and you shall have tribulation ten days, &c. ([No imprint], 1651)*

\_\_\_\_\_, *Strange and VVonderfull Prophetes By The Lady Eleanor Audeley; who is yet alive and lodgeth in White-Hall. Which Shee Prophetied sixteen yeeres agoe, and had them Printed in Holland, and there presented the said propheises to the Prince Elector; For which she was imprisoned seven yeers here in England, by the late King and his Majesties Councill: First, she was put into the Gate-house then into Bedlam, and afterwards into the Tower of London. With Notes upon the said Prophetes, how farre they are fulfilled, and what part remains yet unfulfilled, conerning the late King; and Kingly Government, and the Armies and people of England. And particularly White-Hall, and other wonderfull predictions* (London, 1649)

\_\_\_\_\_, *The Blasphemous Charge Against her. Matth.10 Ad ye  
shal be brought before Governors and Kings for my sake, against them  
and the Gentiles* ([No imprint], 1649)

\_\_\_\_\_, *The Crying Charge. Ezekiel 22. Now thou Son of man,  
wilt thou judge, Wilt thou judge the bloody City? yea, thou shalt shevv  
her all her Abominations, &c.* ([No imprint], 1649)

\_\_\_\_\_, *The Lady Eleanor Her Appeal. Present this to Mr. Mace  
the Prophet of the most High, his Messenger* ([No imprint], 1646)

E. R., trans., *The Terrible and Deserued death of Francis Rauilliack, shewing the  
manner of his strange torments at his Execution, vpon Fryday the 25. of  
May last past, for the murther of the late French King, Henry the fourth.  
Together With An Abstract Out of diuers Proclamations, and Edicts, now  
concerning the state of France. As it was Printed in French in three  
seuerall Bookes published by Authoritie. 1610* (London, 1610)

E., O., [i.e. Matthew Sutcliffe], *A Briefe Replie To A certaine odious and  
slandorous libel, lately published by a seditious Iesuite, calling himselfe  
N. D. in defence both of publike enemies, and disloyall subiects, and  
entitled A temperate wardword, to Sir Francis Hastings turbulent  
watchword: Wherein not only the honest, and religious intention, and  
zeale of that good Kinght is defended, but also the cause of true catholike  
religion, and the iustice of her Maiesties proceedings against Popish  
malcontents and traitors, from diuers malicious imputations and slanders  
cleered, and our aduersaries glorious declamation answered and refuted  
by O. E. defendant in the Challenge, and encounters of N. D. Herunto is  
also added a certaine new Challenge made to N. D. in fiue encounters,  
concerning the fundamentall pointes of his former whole discourse:  
Together with a briefe refutation of a certaine calumnious relation of the  
conference of Monsieur Plessis and Monsieur d'Eureux before the  
French king, lately sent from Rome into England; and an answer to the  
fond collections, and demands of the relator* (London, 1600)

Ebsworth, Joseph Woodfall, ed., *The Bagford Ballads. Edited, With Introduction  
and Notes, By Jospeh Woodfall Ebsworth, M.A. Camb., Editor Of The  
Reprinted "Drolleries' Of The Restoration" With Copies Of The*



*Original Woodcuts*, 2 parts, Printed for The Ballad Society (Hertford: Stephen Austin and Sons, 1876)

Erbery, William, *A Monstrous Dispute: Or, The Language Of The Beast, in Two Men professing themselves Ministers of the Gospel; both proved at a Publike Dispute in Lumber-Street, Oct.12.1653. I. That they are no Men, but Beast. II. That they are no Ministers, but Monsters* (London, 1653)

Evans, Katherine, *A Brief Discovery of God's Eternal Truth; And, A Way opened to the simple hearted, whereby they may come to know Christ and his Ministers, from Antichrist and his Ministers. With a Warning from the Lord, to all people, that do name the Name of Christ, to depart from Iniquity. Written in the Inquisition of Malta, by a Servant of the Most High, called Katherine Evans* (London, 1663)

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\_\_\_\_\_, *A True Account Of The Great Tryals and Cruel Suffering undergone by those two faithful Servants of God, Katherine Evans And Sarah Cheevers, In the time of their above three years and a halfs Confinement in the Island of Malta. Also, How God at last by his Almighty Power effected their Deliverance, and brought them back into the Land of their Nativity. To which is added, A short Relation from George Robinson, of the Sufferings that befel him in his short Journey to Jerusalem; and how God saved him from the hands of Cruelty when the Sentence of Death was passed against him* (London, 1663)

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\_\_\_\_\_, *This is a short Relation Of some of the Cruel Sufferings (For the Truths sake) of Katharine [sic] Evans & Sarah Chevers [sic], In the Inquisition in the Isle of Malta, Who have suffered there above three years, by the Pope's Authority, there to be detained till they dye. Which Re[lati]on of their sufferings is come from their own hands and mouths, as doth appear by the following Treatise. These two Daughters of Abraham were passing to Alexandria, and to Cilicia; And thus may that part of Christendom see their fruits, together with the Pope's, and of what birth they are; and that those that are called Christians are worse than Heathens: For they falling into their hands, should have been refreshed by them with necessary things; but the provision which the Inhabitants and Knights of Malta, (called Christians) provided for them, is the Inquisition. Now it was not so when Paul suffered shipwrack there among*

*the barbarous people; which is a manifest token they are not in the love of God, whose fruits shew they are not in the true Spirit. And this is to all fellow-brethren that are partakers with them in the Power of God and have a feeling, and fellowship with them in their sufferings, that they might see and know how it is with them, and what unkindness they find abroad among[ them] that profess themselves Christians* (London, 1662)

F., T., *Miraculous Newes, From the Citie of Holdt, in the Lord-ship of Munster (in Germany) the twentieth of September last past. 1616. Where There Were Plainly beheld three dead bodyes rise out of their Graues, admonishing the people of Iudgements to come. Faithfully Translated according to the first Coppy, printed at Colen: and afterwards at Antwerp, by Pouwels Stroobant: With the names of the diuers worthy Persons and [Burg]imasters of the same City, who were eye-witnesses of this fearefull accident. Iohan Barbeeck, Melchior Hans Guert van Boecholt Schepene. Sybrant Wyndels, Pieter van Dorsten. Michael Staets, Schepenen* (London, 1616)

Fenton, Elijah, *Mariamne. A Tragedy. Written by Mr. Fenton* (London, 1723)

Fish, Simon, *A Supplicacyon for the Beggars* ([Antwerp?], 1529)

Fitzherbert, Anthony Sir, *In This boke is conteyned the offyce of Shyreffes, Bailliffes of liberties, Escheatours, Cōstables and Coroners, & sheweth what euery one of thē maye do by virtue of theyr offyces, drawen out of bokes of the common lawe & of the statutes* (London, [1540?])

Ford, John, *The Broken Heart. A Tragedy. Acted By the King's Majesties Seruants at the priuate House in the Black-friers* (London, 1633)

\_\_\_\_\_, *Tis Pitty Shees a Whore Acted by the Queenes Maiesties Seruants, at The Phoenix in Drury-Lane* (London, 1633)

Forset, Edward, *A Comparative Discovrse Of The Bodies Natvral And Politique. Wherein out of the principles of Nature, is set forth the true forme of a Commonweale, with the dutie of Subiects, and the right of the Soueraigne: together with many good points of Politicall learning, mentioned in a Briefe after the Preface* (London, 1606)

Fuller, Thomas, *A Pisgah-sight of Palestine and The Confines thereof, with the Historie of the old and new Testament acted thereon. By Thomas Fuller B. D.* (London, 1650)

- \_\_\_\_\_, *Abel Redevivus: Or, The dead yet speaking. The Lives and Deaths of Modern Divines. Written by severall able and learned Men (whose names ye shall finde in the Epistle to the reader.) And now digested into one Volume, for the benefit and satisfaction of all those that desire to be acquainted wi[t]h the Paths of Piety and Virtue* (London, 1651)
- \_\_\_\_\_, *Anglorum Speculum, Or The Worthies Of England, In Church and State. Alphabetically digested into the several Shires and Counties therein contained; Wherein Are Illustrated the Lives and Characters of the most Eminent Persons since the Conquest to this present Age. Also An account of the Commodities and Trade of each Respective County, and the most flourishing Cities and Towns therein* (London, 1684)
- \_\_\_\_\_, *The Church-History Of Britain; From the Birth of Jesus Christ, Untill the Year M. DC. XLVIII. Endeavoured by Thomas Fuller* (London, 1655)
- \_\_\_\_\_, *The History Of The Worthies Of England Who for Parts and Learning have been eminent in the several Covnties. Together With An Historical Narrative of the Native Commodities and Rarities in each County. Endeavoured by Thomas Fuller, D.D.* (London, 1662)
- Fullerton, Georgiana, Lady, *The Life Of Elisabeth Lady Falkland 1585 – 1639, Quarterly Series, vol. XLIII* (London: Burns and Oates, 1883)
- G., F., *The end and Confession of Iohn Felton who suffred in Paules Churcheyard in London, the.viii.of August, for high Treason.1570* (London, 1570)
- G[reene], I[ohn], *A Refvtation of the Apology for Actors. Diuided into three briefe Treatises. Wherein is confuted and opposed all the chiefe Groundes and Arguments alleaged in defence of Playes: And withall in each Treatise is deciphered Actors, 1. Heathenish and Diabolical institution. 2. Their ancient and moderne indignitie. 3. The wonderfull abuse of their impious qualitie. By I. G.* (London, 1615)
- Garzoni, Tomaso, *The Hospitall Of Incvrable Fooles: Erected in English, as neer the first Italian modell and platforme, as the vnskilfull hand of an ignorant Architect could deuise, trans. by Edward Blount* (London, 1600)

Gascoigne, George, *Certaine notes of instruction concerning the making of verse or rime in English*, in *The VVhole woorkes of George Gascoigne Esquyre: Newlye compyled into one Volume, That is to say: His Flowers, Hearbes, Weedes, the Fruites of warre, the Comedie called Supposes, the Tragedie of Iocasta, the Steele glasse, the Complaint of Phylomene, the Storie of Ferdinando Ieronimi, and the pleasure at Kenelworth Castile* (London, 1587), sigs D.i<sup>r</sup>-D.ij.<sup>v</sup>

\_\_\_\_\_, *The Queenes Maiesties Entertainment At Woodstock* (London, 1585)

Gaule, John, *Distractions, Or, The Holy Madnesse. Feruently (not Furiously) inraged agaisnt Euill Men; or against their Euills. Wherein the Naughty are discouered to themselues, and Others: and may here see at once, Who they Are; What they Doe, And How they Ought. Somewhat Delightfull, but Fruitfull altogether: as Ordered to please a little; but Aymed to profit much* (London, 1629)

Gibson, Colin, ed., *The Selected Plays of John Ford: The Broken Heart, 'Tis Pity She's a Whore, Perkin Warbeck*, Plays by Renaissance and Restoration Dramatists, ed. by Graham Storey (Cambridge: Cambridge University Press, 1986)

Godwin, Francis, *The Svccession Of The Bishops Of England Since The First Planting Of Christian Religion in this Island, together with the historie of their liues and memorable actions faithfully gathered out of the Monuments of Antiquity. VVhereunto is prefixed a discourse concerning the first Conuersion of our Britaine vnto Christian Religion. By Francis Godwin now Bishop of Hereford* (London, 1625)

Goodcole, Henry, *A True Declaration of the happy Conuersion, contrition, and Christian preparation of Francis Robinson, Gentleman. Who For Covnterfetting the Great Seale of England, was drawen, Hang'd, and quartererd at Charing Crosse, on Friday last, being the Thirteenth day of Nouember, 1618. Written By Henry Goodcole Preacher of the Word of God, and his daily visiter, during his imprisonment in the Gaole of Newgate* (London, 1618)

Gouge, William, *Of Domesticall Dvties Eight Treatises. I. An Exposition of that part of Scirpture out of which Domesticall Duties are raised. II. 1. A right*

*Coniunction of Man and Wife. 2. Common Mutuall Duties betwixt Man and Wife. III. Particular Duties of Wiues. IV. Particular Duties of Husbands. V. Duties of Children. VI. Duties of Parents. VII. Duties of Seruants. VIII. Duties of Masters. By William Govge (London, 1622)*

Grafton, Richard, *Graftons Abridgement of the Chronicles of Englande, newly corrected and augmented, to thys present yere of our Lord.1572. And in thende of thys Abridgement is added a propre & necessary Treatise, conteynyng many good Rules, and specially one excellent maner of Computacion of yeres, whereby you maye readely finde the date and yeres of any euidēce. The particuler [sic] contentes of this Booke appereth in the next page folowing (London, 1572)*

Greenblatt, Stephen, and others, eds, *The Norton Shakespeare based on the Oxford Edition (New York; London: W. W. Norton and Company, 1997)*

Greene , Robert, *A Qvip For An Vpstart Courtier: Or, A quaint dispute betvven Veluet breeches and Cloth-breeches. Wherein is plainly set downe the disorders in all Estates and Trades (London, 1592)*

\_\_\_\_\_, *A Dispytation, Betweene a Hee Conny-catcher, and a Shee Conny-catcher, whether a Theefe or a Whoore, is most hurtfull in Cousonage, to the Common-wealth. Discovering The Secrete Villanies of alluring Strumpets. With the Conuersion of an English Courtizen, reformed this present yeare, 1592. Read, laugh, and learne (London, 1592)*

\_\_\_\_\_, *Arbasto, The Anatomie of Fortune. Wherin is discovered by a pithie and pleasant Discourse, that the highest state of prosperitie, is oftimes the first step to mishap, and that to stay vpon Fortunes lotte, is to treade on brittle Glasse. Wherin also Gentlemen may finde pleasaunte conceytes to purge Melancholy, and perfite counsell to preuent misfortune. By Robert Greene Mayster of Arte (London, 1584)*

\_\_\_\_\_, *Greenes Vision: Written at the instant of his death. Conteyning a penitent passion for the folly of his Pen (London, 1592)*

\_\_\_\_\_, *Greenes, Groats-vvorth of witte, bought with a million of Repentance. Describing the follie of youth, the falshood of make-shifte flatterers, the miserie of the negligent, and mischiefes of deceiuing*

*Courtezans. Written before his death and published at his dyeing request*  
(London, 1592)

\_\_\_\_\_, *Philomela, The Lady Fitzvvalters Nightingale. By Robert Greene*  
(London, 1615)

\_\_\_\_\_, *Robert Greene, M. A. The Thirde & Last Part of Conny-catching. With the new devised knauish Art of Foole-taking. The like Cosenages and Villenies [sic] neuer before discouered. A Dispytation Betweene a Hee Conny-catcher and a Shee Conny-Catcher*, ed. by G. B. Harrison, The Bodley Head Quartos, vol. 3 (London: John Lane The Bodley Head Ltd, 1923)

\_\_\_\_\_, *The Blacke Bookes Messenger. Laying open the Life and Death of Ned Browne one of the most notable Cutpurses, Crosbiters, and Conny-catchers, that euer liued in England. Heerein hee telleth verie pleasantly in his owne person such strange prancks and monstrous villanies by him and his Consorte performed, as the like was yet neuer heard of in any of the former bookes of Conny-catching. Read and be warnd, Laugh as you like, Judge as you find. Nascimur pro Patria. By R. G.* (London, 1592)

\_\_\_\_\_, *The Historie Of Arbasto King of Denmarke. Describing the Anatomy of Fortune, in his loue to faire Doralicia. Wherein Gentlemen may find pleasant conceits to purge melancholy, and perfect counsell to preuent mis-fortune. By Robert Greene Master of Art. Omne tulit punctum qui miscuit vtile dulci. Whereunto is added a louely Poem of Pyramus and Th[... ]e* (London, 1626)

\_\_\_\_\_, *The Second and last part of Conny-catching. With new additions containing many merry tales of all lawes worth the reading, because they are worthy to be remembered. Discoursing strange cunning in Coosnage, which if you reade without laughing, Ile giue you my cap for a Noble. Malle[m?] non esse quam pro[de]sse patrie. R. G.* (London, 1592)

\_\_\_\_\_, *The Thirde and last part of Conny-catching. With the new deuised knauish arte of Foole-taking. The like cosenages and villanies neuer before discouered. By R. G.* (London, 1592)

Grey, Jane, Lady, *An Epistle Of the Ladye Iane a righte vertuous Woman, To a learned man of late falne from the truth of Gods most holy Word, for fear*

*of the Worlde. Read it, to thy consolacion. VVherunto is added the communication that she had with master Feckenham vpon her faith, and belefe of the Sacraments. Also another Epistle whiche she wrote to her sister, with the words she spake vpon the Scaffold befor she suffered. Anno. M.D.Liiii. ([London?], 1554)*

Grey, Jane, Lady, and others, *The Life, Death And Actions Of The Most Chast [sic], learned and Religious Lady, the Lady Iane Gray, Daughter to the Duke of Syffolke. Containing Foure Principall Discourses written with her owne hands. The first an Admonition to such as are weake in Faith: The second a Catechisme: The third an exhortation to her Sister: And the last her words at her Death* (London, 1615)

Grosart, A. B., ed., *Swetnam The Woman Hater Arraigned by Women* (1620), in A. B. Grosart, ed., *Occasional Issues of Unique or Very Rare Books*, 17 vols (Manchester: Charles E. Simms, 1880), XIV

H[owlet], J[ohn], [i.e. Robert Parsons], *A Brieffe Discovrse Conteyning certaine reasons, why Catholick[e]s refvse to goe to Church. Written by a Learned and vertuous man, to a friend of his in England. And dedicated by I. H. to the Queenes most excellent Maiestie* (Doway, 1599)

Hall, Edward, *The Vnion of the two noble and illustrate famelies of Lancastre & Yorke beeyng long in continual discension for the croune of this noble realme, with all the actes done in bothe the tymes of the Princes, bothe of the one linage [sic] and of the other, beginnyng at the tyme of kyng Henry the fowerth, the first aucthor of this deuision, and so successiuey [sic] proceadyng to the reigne of the high and prudent prince kyng Henry the eight, the vndubitate flower and very heire of both the sayd linages* (London, 1548)

Hall, Joseph, *Characters of Vertves And Vices. In two Bookes: By Ios. Hall* (London, 1608)

Halliarg, Arthur, *The Cruell Shrow: Or The Patient Mans Woe. Declaring the misery, and the great paine, / By his vnquiet wife he doth dayly sustaine. To the Tune of Cuckolds all [...]* (London, [1610?]), in Chappell and Ebsworth, eds, *Roxburghe*, I.1.28

Hannay, Patrick, *A Happy Husband Or, Directions for a Maide to Choose her Mate As also A Wives Behaviour towards her Husband after Marriage.*

*By Patrick Hannay, Gent. To which is adioyned the Good Wife; together with an Exquisite discourse of Epitaphs, including the choysest thereof, Ancient and Moderne. By R. B. Gent (London, 1618)*

Harding, Thomas, *A Reioindre To M. Iewels Replie Against The Sacrifice Of The Masse. In which the doctrine of the Answer to the .xvij. Article of his Challenge [sic] is defended, and further proued, and al that his Replie conteineth against the Sacrifice, is clearely confuted and disproued. By Thomas Harding Doctor of Diuinitie (Lovanii, 1567)*

Harman, Thomas, *The Groundworke of Conny-catching; the manner of their Pedlers-French, and the meanes to vnderstand the same with the cunning slights of the Count[erfe]it Cranke. Therein are handled the practises of the Visiter, the fetches of the Shifter and Rufflar, the deceits of their Doxes, the deuises of Priggers, the names of the bast loitering Losels, and the meanes of euery Blacke-Art mans shifts, with the reproofe of all their diuellish practises. Done by a Iustice of Peace of great authoritie, who hath had the examining of diuers of them (London, 1592)*

Harvey, Gabriel, *Fovre Letters, and certaine Sonnets: Especially touching Robert Greene, and other parties, by him abused: But incidentally of diuers excellent persons, and some matters of note. To all courteous mindes, that will vouchsafe the reading (London, 1592)*

Hastings, Francis, *A Watch-Word To All religious, and true hearted English-men. By Sir Francis Hastings, Knight (London, 1598)*

\_\_\_\_\_, *An Apologie Or Defence Of The Watch-VVord, Against The Virulent and Seditious Ward-vword published by an English-Spaniard, lurking vnder the title of N. D. Devided Into Eight Severall Resistances according to his so many Encounters, written by Sir Francis Hastings Knight (London, 1600)*

Hayward, John, Sir, *Annals Of The First Four Years Of The Reign Of Queen Elizabeth, By Sir John Hayward, Knt. D.C.L. Edited From A MS. In The Harlein Collection, ed. by John Bruce, Printed for the Camden Society (London: John Bower Nichols and Son, 1840)*

\_\_\_\_\_, *The Life And Reigne Of King Edward The Sixth, With The Beginning Of The Reigne of Queene Elizabeth. Written by Sir John*



Hayward, K<sup>t</sup>. *Doctor of Law. The second Edition, corrected and amended* (London, 1636)

Haywood, John, *A Ballad against slaunder and detraction. Gar call him downe gar call him downe downe a: / God send the faction of all detractions calld downe and cast away* (London, 1562)

Hazlitt, W. C., ed., *Fugitive Tracts Written In Verse Which Illustrate The Condition Of Religious And Political Feeling In England And the State of Society there during Two Centuries*, 1st s., 1493-1600, Printed for Private Circulation (1875)

\_\_\_\_\_, *Fugitive Tracts Written In Verse Which Illustrate The Condition Of Religious And Political Feeling In England And the State of Society there during two Centuries*, 2nd s., 1600-1700, Printed for Private Circulation (1875)

Healey, John, *Epictetvs Manuall. Cebes Table. Theophrastvs Characters. By Io. Healey* (London, 1616)

Heywood, John, *The VVoorkes Of Iohn Heivwood Newly Imprinted. A Dialogue conteyning the number of the effectuall Prouerbes in the English tong, compact in a matter concerning tvvo maner of marriages [sic]. With One Hvndred Of Epigrammes: & three hundred of Epigrammes vpon three hundred Pouerbes: and a fifth hundred of Epigrammes. Whereunto are now newly added a sixt hundred of Epigrammes by the sayd Iohn Heywood* (London, 1587)

Heywood, Thomas, *Englands Elizabeth: Her Life And Trovbles, During Her Minoritie, from the Cradle to the Crowne. Historically laid open and interwouen with such eminent Passages of State, as happened vnder the Reigne of Henry the Eight, Edward the Sixt, Q. Mary: all of them aptly introducing to the present Relation* (London, 1631)

\_\_\_\_\_, *If you knovv not me, You know no bodie: Or, The troubles of Queene Elizabeth* (London, 1605)

\_\_\_\_\_, *The Exemplary Lives And Memorable Acts Of Nine The Most Worthy Women Of The World: Three Iewes. Three Gentiles. Three Christians. Written by the Author of the History of Women* (London, 1640)

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\_\_\_\_\_, trans., *The Contemplation of Mankinde, contayning a singular discourse after the Art of Phisiognomie, on all the members and partes of man, as from the heade to the foote, in a more ample maner than hytherto hath beene published of any. In the place next after the Chapter of the forehead, hath the Phisiognomer added a proper Treatise of the signification of sundrie lines seene in most mens foreheads: which in sundrie disputations with a skilfull Iew, he at the last obtayned. In the vvorke also hath the Phisiognomer learnedly placed for instruction sake, manye straunge and rare examples that he knewe and iudged in his tyme. In the ende is a little Treatise added of the signification of Moles, seene in any member or part, eyther of the man or woman, written by a worthie*

*Grecian named Melampus. All which, englished by Thomas Hyll*  
(London, 1571)

Hilliard, John, *Fire from Heauen. Burning the body of one Iohn Hittchell of Holne-hurst, within the parish of Christ-church, in the County of Southampton the 26. of Iune last 1613. who by the same was consumed to ashes, and no fire seene, lying therein smoaking and smothering three dayes and three nights, not to bequenched by water, nor the help of mans hand. VVith the lamentable burning of his house and one childe, and the grieuous scorching of his wife: with the birth of a Monster, and many other strange things hapning about the same time: the like was neuer seene nor heard of. Written by Iohn Hilliard Preacher of the word of life in Sopley. Reade and tremble. Withthe [sic] fearefull burning of the towne of Dorchester vpon Friday the 6. of August last 1613* (London, 1613)

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Humphrey, Laurence, *A View Of The Romish Hydra And Monster, Traison, Against The Lords Annointed: Condemned By David, I Sam. 26 And Now Confyted In Seven Sermons To perswade Obedience to Princes, Concord among our selues, and a generall Reformation and Repentaunce in all states: By L. H.* (Oxford, 1588)

[Hutton, Luke?], *Luke Huttons lamentation: which he wrote the day before his death, being condemned to be hanged at Yorke this last assises for his*

*robberies and trespasses committed. To the tune of Wandering and wauering* (London, 1598)

Hutton, Luke, *The Blacke Dogge of Newgate: both pithie and profitable for all Readers. Vide, Lege, Caue. Time shall trie the truth* (London, 1596)

\_\_\_\_\_, *The discouery of a London Monster called, the Black Dog of Newgate: profitable for all Readers to take heed by. Vide, Legel, Caue. Time bringeth all things to light* (London, 1612)

Indagine, John, *Briefe Introductions, bothe naturall, pleasant, and delectable vnto the arte of Chiromancy, or Manuell [sic] Diuination, and Phisiognomy: with circumstāces vpon the faces of the signes. Also certaine Canons or rules vpon diseases and Sicknesses. Whereunto is also annexed aswell the artificiall, as naturall Astrologie, with the nature of the Plannetes. Written in the latine tonge, by Iohn Indagine Priest. And nowe lately translated into English by Fabian Withers, trans. by Fabian Withers* (London, 1598)

James IV and I, *ΒΑΣΙΛΙΚΟΝ ΔΩΡΟΝ [i.e. Basilikon Doran]. Or His Maiesties Instrvctions to his Dearest Sonne, Henry the Prince* (London, 1603)

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- haue their true naturall casues, and do accompanie this disease. By Edvvard Iorden Doctor in Physicke* (London, 1603)
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Munday, Anthony, *A Discouerie of Edmund Campion, and his Confederates, their most horrible and traitorous practises, against her Maiesties most royall person, and the Realme. Wherein may be seene, how thorowe the whole course of their Araignment: they were notable conuicted of euery cause. VVhereto is added, the Execution of Edmund Campion, Raphe Sherwin, and Alexander Brian, executed at Tiborne the 1. of December. Published by A. M. sometime the Popes Scholler, allowed in the Seminarie at Roome amongst them: a Discourse needefull to be read of*

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Musophilus, [i.e. Richard Brathwaite], *Remains after Death: Including by way of introduction diuers memorable obseruances occasioned vpon discourse of Epitaphs and Epycedes; their distinction and definition seconded by approued Authors. Annexed There Be diuers select Epitaphs and Hearce-attending Epods worthie our obseruation: The one describing what they were which now are not: The other comparing such as now are with those that were. Dignum laude virum musa vetat mori. Mysophilus* (London, 1618)

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Norden, John, *Specvli Britanie Pars The description of Hartfordshire By John Norden* (London, 1598)

Overbury, Thomas, Sir, (the younger), *A True and Perfect Account Of The Examination, Confession, Trial, Condemnation and Execution of Joan Perry, and her two Sons, John and Richard Perry, For The Supposed Murder of Will. Harrison, Gent. Being One of the most remarkable*

*Occurences which hath happened in the Memory of Man. Sent in a Letter (by Sir Thomas Overbury, of Burton, in the County of Gloucester, Knt. and one of his Majesty's Justices of the Peace) to Thomas Shirly, Doctor of Physick, in London. Also Mr. Harrison's own Account how he was conveyed to Turkey, and there made a Slave above two Years, when his Master (who bought him there) dying, he returned to England; being, in the mean while, supposed to be murdered by his Man-servant, who falsely accused his own Mother and Brother as guilty of the same, and were all three executed for it on Broadway-Hills, in Gloucestershire (London, 1676)*

Overbury, Thomas, Sir, (the elder), and others, *A VVife. Novv The Widdow Of Sir Tho: Overbvrye. Being A most exquisite and singular Poem of the choice of a Wife. Wherevnto Are Added many witty Characters, and conceited Newes, written by himselfe and other learned Gentlemen his friends. Dignum laude virum musa vetat mori, / Cælo musa beat. Hor: car: lib3. The third Impression; With an addition of sundry other new Characters (London, 1614)*

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*, Sir Thomas Ouerburie His Wife, With New Elegies vpon his (now knowne) vntimely death. Whereunto are annexed, new Newes and Characters, written by himselfe and other learned Gentlemen. Edition Septima (London, 1616)*

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*, Sir Thomas Ouerburie His Wife. With New Elegies vpon his (now knowne) vntimely death. Whereunto are annexed, New Newes and Characters, written by himselfe and other learned Gentlemen. The Eight Impression (London, 1616)*

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*, Sir Thomas Ouerbury His Wife With Additions Of New Characters, and many other Wittie Conceits neuer before Printed. The eleuenth Impression (London, 1622)*

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*, S<sup>r</sup> Thomas Ouerbury His Wife. With Additions Of New Newes, and diuers more Characters, (neuer before annexed) written by himselfe and other learned Gentlemen. The tenth impression augmented (London, 1618)*

Overton, Mary, *To The right Honourable, the Knights, Citizens, and Burgesses, the Parliament of England, assembled at Westminster, The humble*

*Appeale and Petition of Mary Overton, prisoner in Bridewell* (London, 1646)

Overton, Richard, *An Arrow Against All Tyrants And Tyranny, shot from the Prison of New-gate into the Prerogative Bowels of the Arbitrary House of Lords and all other Usurpers and Tyrants whatsoever. wherein the originall rise, extent and end of Magisteriall power, the naturall and Nationall rights, freedoms and properties of Mankind are discovered, and undeniably maintained; the late oppressions and incroachments of the Lords over the Commons legally (by the fundamentall Lawes and Statutes of this Realme, as also by a memorable Extract out of the Records of the Tower of London) condemned; The late Presbyterian Ordinance (invented and contrived by the Diviners, and by the motion of Mr. Bacon and Mr. Taet read in the House of Commons) examined, refuted, and exploded, as most inhumaine, tyranicall and Barbarous. By Richard Overton Prerogative Archer to the Arbitrary House of Lords, Their Prisoner in New gate, for the just and legall properties, rights and freedoms of the Commons of England: Sent by way of a Letter from him, to Mr. Henry Martin, a Member of the House of Commons* (London, 1646)

P[arker], M[artin], *A description of a strange (and miraculous) Fish, cast upon the sands in the meads, in the Hundred of Worwell, in the County Palatine of Chester, (or Chesshiere). The certainty whereof is here related concerning the said most monstrous Fish* (London, c. 1636), in Rollins, ed., *Pepysian Garland*, pp. 437-42

\_\_\_\_\_, *A Hee-Diuell: or, If this Womans Husband vse her well, Ile say some kindnesse may be found in Hell* (London, c. 1630), in Rollins, ed., *Pepysian Garland*, pp. 332-36

\_\_\_\_\_, *A warning for wiues, By the example of one Katherine Francis, alias Stoke, who for killing her husband, Robert Francis with a paire of Sizars [sic], on the 8. of Aprill at night, was burned on Clarkenwell-greene, on Tuesday, the 21 of the same moneth, 1629* (London, c. 1629), in Rollins, ed., *Pepysian Garland*, pp. 299-304

- \_\_\_\_\_, *An Abstract of the Historie of the renowned Maiden Queene Elizabeth. Briefly Relating the principall matters throughout her long and glorious Raigne. In English meeter, By M. P.* (London, 1631)
- \_\_\_\_\_, *The father hath beguil'd the sonne. Or, a wonderfull Tragedy, which lately befell In Wiltshire, as many men know full well* (London, c. 1629), in Rollins, ed., *Pepysian Garland*, pp. 309-15
- \_\_\_\_\_, *The Tragedy of Doctor Lambe, The great supposed Coniurer, who was wounded to death by Saylers and other Lads, on Fryday the 14. of June, 1628. And dyed in the Poultry Counter, neere Cheap-side, on the Saturday morning following* (London, c. 1628), in Rollins, ed., *Pepysian Garland*, pp. 276-82
- \_\_\_\_\_, *The two inseparable brothers. Or A true and strange description of a Gentleman (an Italian by birth) about seventeene yeeres of age, who hath an imperfect (yet liuing) Brother, growing out of his side, having a head, two armes, and one leg, all perfectly to be seen. They were both baptized together; the imperfect is called Iohn Baptist, and the other Lazarus. Admire the Creator in his Creatures* ([London?], 1637), in Rollins, ed., *Pack of Autolytus*, pp. 7-14
- Paylor, W. J., ed., *The Overburian Characters: To which is added A Wife By Sir Thomas Overbury, The Percy Reprints XIII* (Oxford: Basil Blackwell, 1936)
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*renued, and in some places augmented and amended by G. C. Gentl. Whereunto is annexed a most necessarie Table for the finding out of the Planetarie and vnequall houre, vnder the Latitude of 52 Gr. 30 Mi. exactly calculated by the sayde F. W. Also hereunto is added a briefe Treatise of Mathematicall Phisicke, entreating very exactly and compendiously of the Natures and Qualities of all diseases incident to humane bodies by the naturall Influences of the Cælestiall motions. Neuer before handled in this our natiue language. Written by the sayd G. C. practitioner in Phisike* (London, 1598)

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*Reader, by the Authour (through the helpe of Christ our Lord) Iohn Foxe, which desireth thee good Reader to helpe him with thy Prayer (London, 1583)*

\_\_\_\_\_, *Actes and Monuments of these latter and perillous dayes, touching matters of the Church, wherein ar comprehended and described the great persecutions & horrible troubles, that haue bene wrought and practised by the Romishe Prelates, speciallye in this Realme of England, and Scotlande. from the yeare of our Lorde a thousande, vnto the tyme nowe present. Gathered and collected according to the true copies & wrytinges certificatorie. as wel of the parties them selues that suffered, as also out of the Bishops Registers, which wer the doers thereof, by Iohn Foxe (London, 1563)*

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\_\_\_\_\_, *The First Volume of the Ecclesiasticall History, contaynyng the Actes & Monumentes of thinges passed in euery kinges time, in this Realme, especially in the Church of England principally to be noted. with a full discourse of such persecutions, horrible troubles, the suffring of Martirs, the seuere punishment of persecutors, the great prouidence of God in preserning [sic] many, and other thinges incident touching aswell the sayde Church of England, as also Scotland, and all other forrein Nations, from the primitiue time, till the raigne of king Henry the Eyght. Newly recognised and enlarged by the Author. I. Foxe (London, 1576)*

\_\_\_\_\_, *The Second Volume of the Ecclesiasticall History, conteynng the Actes & Monumentes of Martyrs, with a generall discourse of these latter Persecutions, horrible troubles and tumults, stirred vp by Romish Prelates in the Church. with diuers other thinges incident, especially to*

*this Realme of England and Scotlande, as partly also to all other forreine nations apperteining, from the tyme of K. Henry the viij. to Queene Elizabeth our gracious Lady now rainging. Newly recognised and enlarged by the Author. I. Foxe (London, 1576)*

\_\_\_\_\_, *The Second Volume of the Ecclesiasticall history, conteynyng the Actes and Monumentes of Martyrs, with a generall discourse of these latter persecutions, horrible troubles, and tumultes, styred vp by Romish Prelates in the Church, with diuers other thynges incident especially to this Realme of England and Scotland, as partly also to all other foreine nations apparteynyng, from the tyme of K. Henry the viij. to Queene Elizabeth our gracious Lady now reygnyng (London, 1570)*

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Goodcole, Henry, *Natures Cruell Step-Dames: Or, Matchlesse Monsters of the Female Sex; Elizabeth Barnes, and Anne Willis. Who were executed the 26. day of April, 1637. at Tyburne, for the unnaturall murthering of their*

*owne Children. Also, herein is contained their severall Confessions, and the Courts just proceedings against other notorious Malefactors, with their severall offences this Sessions. Further, a Relation of the wicked Life and impenitent Death of Iohn Flood, who raped his owne Childe* (London, 1637)

\_\_\_\_\_, *The Adultresses Funerall Day: In flaming, scorching, and consuming fire: Or, The burning downe to ashes of Alice Clarke late of Vxbridge in the County of Middlesex, in West-smith-field, on Wensday [sic] the 20. of May, 1635. for the unnaturall poisoning of Fortune Clarke her Husband. A breviary of whose Confession taken from her owne mouth, is her unto annexed: As also what she sayd at the place of her Execution. By her daily Visiter H. G. in life and death. And now published by Authority and Command* (London, 1635)

\_\_\_\_\_, *The wonderfull discouerie of Elizabeth Sawyer a Witch, late of Edmonton, her conuiction and condemnation and Death. Together with the relation of the Diuels accesse to her, and their conference together. Written by Henry Goodcole Minister of the Word of God, and her continuall Visiter in the Gaole of Newgate* (London, 1621)

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*men to confusion. Written for the general benefit of all Gentlemen, Citizens, Apprentises, Countrey Farmers and yeoman, that may hap to fall into the company of such coosening companions. With a delightfull discourse of the coosnage of Colliers (London, 1591)*

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Harding, Thomas, *A Confvtation Of A Booke Intitvled An Apologie Of The Chvrch Of England, By Thomas Harding, Doctor of Divinite (Antwerp, 1565)*

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\_\_\_\_\_, *IUNAIKEION* [i.e. *Gynaikeion*]: or, *Nine Bookes of Various History. Concerninge Women; Inscribed by y<sup>e</sup> names of y<sup>e</sup> Nine Muses. Written by Thom: Heywoode* (London, 1624)

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Hill, Robert, *The Pathw[ay] to Praye[r] and Pietie. Containing, 1. An Exposition of the Lords Prayer, with an Apologie for publicke, and priuate set Prayer. 2. A preparation to the Lords Supper, with Ma. Zanchivs Confession, concerning that Sacrament. 3. A Direction to a Christian life, both in our generall and particular callings. 4. An instruction to Die well, and a Consolation against all Crosses. With Divers Prayers And Thanksgivings fit for this Treatise. By Robert Hill, Doctor in Diuinitie. Pray to Receiue: Receiue to Liue: Liue to Die once, Die to Liue Euer. This is the summe of this Booke* (London, 1613)

Hogarde, Miles, *The displaying of the Protestantes, & sondry their practices, with a description of diuers their aubses of late frequented. Newly imprinted agayne, and augmented, with a table in the ende of all suche matter as is specially contained within this volume. Made by Myles Huggarde seruant to the Quenes maiestie* (London, 1556)

Holinshed, Raphael, *The First and second volumes of Chronicles, comprising 1 The description and historie of England, 2 The description and historie of Ireland, 3 The description and historie of Scotland: First collected and published by Raphaell Holinshed, William Harrison, and others: Now newlie augmented and continued (with manifold matters of singular note and worthie memorie) to the yeare 1586 by Iohn Hooker aliàs Vowell Gent. and others. With conuenient tables at the end of these volumes* (London, 1574)

\_\_\_\_\_, *The Third volume of Chronicles, beginning at duke William the Norman, commonlie called the Conqueror; and descending by degree*

*of yeeres to all the kings and queenes of England in their orderlie successions: First compiled by Raphaell Holinshed, and by him extended to the yeare 1577. Now newlie recognised, augmented, and continued (with occurrences and accidents of fresh memorie) to the yeare 1586. Wherein also are conteined manie matters of singular discourse and rare obseruation, fruitfull to such as be studious in antiquities, or take pleasure in the grounds of ancient histories. With a third table (peculiarlie seruing this third volume) both of names and matters memorable* (London, 1587)

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Johnson, Thomas, trans., *The Workes of that famous Chirurgion Ambrose Parey Translated out of Latine and compared with the French by Tho: Johnson. Whereunto are added three Tractates out of Adrianus Spigelius of the Veines, Arteries, & Nerves, with large Figures. Also a Table of the Bookes and Chapters* (London, 1649)

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Lichfield, Richard, [i.e. Gabriel Harvey], *The Trimming of Thomas Nashe Gentleman, by the high-tituled patron Don Richardo de Medico campo, Barber Chirurgion to Trinitie Colledge in Cambridge* (London, 1597)

Lodge, Thomas, trans., *The Famoys And Memorable Workes Of Iosephvs [Flavius], A Man Of Much Honovr And Learning Among The Iewes. Faithfully translated out of the Latin, and French, by Tho. Lodge., Doctor in Physicke* (London, 1602)

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- Mayo, John, *The Anatomie of Pope Ioane, Wherein Her Life, Maners and death is liuely layd abrode and opened, and the forged cauils and allegations, that our aduersaries vse for her, thoroughly vnripped and confuted: Necessarie for all those that are not fully acquainted vvith the storie, and not vnfrutefull to all them that loue and embrace the true religion of Christ, and abhorre the sottish illusions of Romish Antichrist* (London, 1591)
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- Melancholicus, Mercurius, [i.e. Marchamont Nedham?], *Mistris Parliament Brought to Bed of a Monstrous Childe of Reformation. With her 7 Yeers Teeming, bitter Pangs, and hard Travaile, that she hath undergone in bringing forth her first-borne, (being a Precious Babe of Grace.) With the cruelty of Mistris London her Midwife; and great Affection of Mrs. Synod her Nurse, Mrs. Schisme, Mrs. Priviledge, Mrs. Ordinance, Mrs. Universall Toleration, and Mrs. Leveller her Gossips. Ring the Bells backwards; lusty bonfires make / Of purest straw that from pist beds your take; / Your musick be the screeking of a Cart, / And your shrill Songs, sound sweeter then a ----- / For joy that Mistris Parliament's brought a bed; / Pray see the Issue of her Maiden-head: / 'Tis but 3 half-pence in:*

*The Sight will please ye, / And of your Grief and melancholly ease you*  
([London?], 1648)

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Mistris     Parliament

*Presented in her Bed, after the sore travaile and hard labour which she endured last week, in the Birth of her Monstrous Off Spring, the Childe of Deformation. The hopefull fruit of her seven Yeers Teeming, And a most precious Babe of Grace. With the severall Discourses between Mrs. Sedition; Mrs. Schisme, Mrs. Synod her dry-Nurse, Mrs. Jealousie, and others her Gossips. Oh sick! oh faint! alas my sight doth faile, / My Members tremble and my Spirits quail; / Oh what a chilnesse doth my heart oppresse, / But what the cause of't is, I know you'le guesse / 'Tis this most hedious Birth doth me a maze, / And much torment me when on it I gaze: / But more when as I thinke what men will conster, / To see th'expected Babe of Grace prove a Monster* ([London?], 1648)

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Mynshul, Geffray, *Essayes and Characters Of A Prison and Prisoners. Written by G. M. of Grayes-Inne Gent* (London, 1618)

Nashe, Thomas, *Haue with you to Saffron-vvalden. Or, Gabriell Harueys Hunt in vp. Containing a full Answere to the eldest sonne of the Halter-maker. Or, Nashe his Confutation of the sinfull Doctor. The Mott or Poesie, in stead of Omne tulit punctum: Pacis siducia nunquam. As much to say, as I sayd I would speake with him* (London, 1596)

Overbury, Thomas, Sir, and others, *S<sup>r</sup> Thomas Ouerbury His Wife. With Addition Of many new Elegies vpon his vntimely and much lamented death. As Also New Newes, and diuers more Characters, (neuer before annexed) written by himselfe and other learned Gentlemen. The ninth impression augmented* (London, 1616)

P., I., *A meruaylous straunge deformed Swyne* (London, 1570)

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- Prynne, William, *Histrio-Mastix. The Players Scovrge, Or Actors Tragædie, Divided into Two Parts. Wherein it is largely evidenced, by divers Arguments, by the concurring Authorities and Resolutions of sundry texts of Scripture; of the whole Primitive Church, both under Law and Gospell; of 55, Synodes and Councils; of 71 Fathers and Christian*



*Writers, before the yeare of our Lord 1200; of above 150 foraigne and domestique Protestant and Popish Authors, since; of 40 Heathen Philosophers, Historians, Poets; of many Heathen, many Christian Nations, Republicques, Emperors, Princes, Magistrates; of sundry Apostolicall, Canonically, Imperiall Constitutions; and of our owne English Statutes, Magistrates, Vniversities, Writers and Preachers. That popular Stage-playes (the very Pompes of the Divell which we renounce in Baptisme, if we beleeeve the Fathers) are sinfull, heathenish, lewde, ungodly Spectacles, and most pernicious Corruptions; condemned in all ages, as intolerable Mischiefes to Churches, to Republickes, to the manners, mindes, and soules of men. And that the Profession of Play-poets, of Stage players; together with the penning, acting, and frequenting of Stage-playes, are unlawfull, infamous and misbeseeming Christians. All pretences to the contrary are here likewise fully answered; and the unlawfulness of acting, of beholding Academicall Enterludes, briefly discussed; besides sundry other particulars concerning Dancing, Dicing, Health-drinking, &c of which the Table will inform you. By William Prynne, an Vtter-Barrester of Lincolnes Inne (London, 1633)*

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